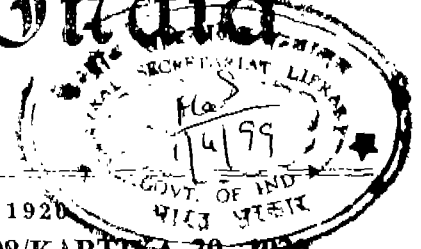




भारत का राजपत्र The Gazette of India

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सं. 47]

नई दिल्ली, शनिवार, नवम्बर 21, 1998/कार्तिक 30, 1920

No. 47]

NEW DELHI, SATURDAY, NOVEMBER 21, 1998/KARTIKA 30, 1920

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांख्यिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministry of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत और पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 5 नवम्बर, 1998

का.आ. 2337.—केन्द्रीय सरकार दिल्ली विशेष पुलिस स्थापना अधिनियम 1946 (1946 का अधिनियम संख्यांक 25) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सिविल मज (पी० आर्ट० एल० सं० 1998 का 341) में इस उच्च न्यायालय गुवाटी के तारीख 4/6/98 के आदेश के अनुसार आतंकवादी और विध्वंसकारी क्रियाकलाप (निवारण) अधिनियम 1987 की धारा 3/4/5 के साथ पठित भारतीय दंड संहिता 1860 की धारा 302/34 के अधीन दंडनीय अपराधों और सजा में मेडिटल हांगो डिब्रुगढ़ के प्रधानाचार्य डा० एच०पी० बरवा की 24/11/94 को हुई हत्या के संबंध में, पुलिस थाना डिब्रुगढ़ (असम) के मामले सं० 416/94 तारीख 25/11/1994 के किसी अन्य अपराध/अपराधों के अन्वेषण

के लिए दिल्ली विशेष लिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण असम राज्य पर करती है।

[सं० 228/33/98-ए०वी०डी०-II]

हरि सिंह, अवसर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 5th November, 1998

S.O. 2337.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government, as per order dated 4-6-1998 of the Hon'ble High Court of Assam, Guwahati in Civil Rule (PIL) No. 341 of 1998, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Assam for the investigation of offences punishable under Sections 302/34 of the Indian Penal Code, 1860 read with Section 3/4/5 of the Terrorist and Disruptive Activities (Prevention) Act, 1987 and any other offence/offences of case No. 416/94 dated 25-11-1994 of Police Station Dibrugarh (Assam) relating to the murder of Dr. H. P. Baruah, Principle, Assam Medical College, Dibrugarh on 24-11-1994.

[No. 228/33/98-AVD II]
HARI SINGH, Under Secy.

नई दिल्ली, 5 नवम्बर, 1998

का.आ. 2338.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अपराधों को दिल्ली विशेष पुलिस स्थापना द्वारा अन्वेषित किए जाने वाले अपराधों के रूप में विनिर्दिष्ट करती है, नामतः—

(क) प्रेस और पुस्तक रजिस्ट्रीकरण अधिनियम, 1867 (1867 का अधिनियम सं. 25) के अधीन अपराध।

(ख) उपर्युक्त अपराधों में से एक अथवा अधिक अपराधों से संबंधित अथवा संसक्त प्रयत्न दुष्प्रेरण और षडयंत्र तथा उसी संघर्षहार के अनुक्रम में किया गया अथवा किए गए अथवा उन्हीं तथ्यों से उत्पन्न कोई अन्य अपराध।

[सं. 228/46/98-ए.वी.डी.-II]

हरि सिंह, अवर सचिव

New Delhi, the 5th November, 1998

S.O. 2338.—In exercise of the powers conferred by Section 3 of the Delhi Special Police Establishment Act, 1945 (Act No. 25 of 1946), the Central Government hereby specifies the following offences as the offences which are to be investigated by Delhi Special Police Establishment namely :—

(a) Offences under The Press and Registration of Books Act, 1867 (Act No. 25 of 1867)

(b) Attempts, abetments and conspiracy in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/46/98-AVD.II]

HARI SINGH, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

आदेश

नई दिल्ली, 5 नवम्बर, 1998

स्टाम्प

का.आ. 2339.— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा मै. पावर ग्रिड कारपोरेशन आफ इंडिया लि., नई दिल्ली को मात्र एक करोड़ रु. का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त निगम द्वारा जारी किये जाने वाले एफ 0000001 से एफ 1000000 तक की विनिष्ट संख्या वाले एक-एक हजार रु. मूल्य के 13% सुरक्षित विमोक्ष्य अप-

अपरिवर्तनीय पावर ग्रिड श्रृंखला के करघेय वंशजों पर स्टाम्प शुल्क के कारण प्रभाव है।

[सं. 35/98-स्टाम्प फा.सं. 15/29/98-बि.क.]

अपर्णा शर्मा, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 5th November, 1998

STAMPS

S.O. 2339.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. Power Grid Corporation of India Limited, New Delhi to pay consolidated stamp duty of Rupees one crore only chargeable on account of the stamp duty on 13 per cent secured redeemable non-convertible POWERGRID Taxable Bond VI issue of Rupees one thousand each bearing distinctive number from F-0000001 to F-1000000 aggregating to Rupees one hundred crores only, to be issued by the said Corporation.

[No. 35/98-Stamp/F. No. 15/29/98-ST]

APARNA SHARMA, Under Secy.

आदेश

नई दिल्ली, 6 नवम्बर, 1998

का. आ. 2340.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश फा. सं. 673/35/98-सी.शु.-8 दिनांक 26-4-1996 को यह निर्देश जारी किया था कि श्री शाम कपूर उर्फ राजू, जी-4, वेस्ट पटेल नगर, नई दिल्ली (ii) मै. फौरन ट्रैवलला, 36 जनपथ, नई दिल्ली। को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, तिहाड़, नई दिल्ली में अभिरक्षा में रखा जाए ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन के प्रतिकूल कार्य करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके ;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर कमिशनर आफ पुलिस, नई दिल्ली के समक्ष हाजिर हों।

[फा. सं. 673/35/98-सी. शु.-VIII]

प्रकाश चन्दरा, उप सचिव

ORDER

New Delhi, the 6th November, 1998

S.O. 2340.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/35/96-Cus.VIII dated 26-4-1996 under the said sub-section directing that Shri Sham Kapoor @ Raju Address : (i) G-4, West Patel Nagar, New Delhi, (ii) M/s. Foreign Travel, 36, Janpath, New Delhi be detained and kept in custody in the Central Prison, Tihar, New Delhi with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, New Delhi within 7 days of the publication of this order in the Official Gazette

[F. No. 673/35/96-Cus.VIII]

PRAKASH CHANDRA, Dy. Secy.

आदेश

नई दिल्ली, 6 नवम्बर, 1998

का.आ. 2341.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश फा. सं. 673/61/96-सी.गु.-VIII दिनांक 25-7-1996 को यह निदेश जारी किया था कि श्री सी. भास्करन (i) फ्लैट नं. 11, नं. 28, बाबू राजेन्द्र प्रसाद मार्ग, वेस्ट मम्बालम, चैन्नई-31, (ii) नं. 55, कायाकारी अमान कोयल गली, रामनाद, पिन 623501 को निरुद्ध कर लिया जाए और केन्द्रीय कार.ग.र. चैन्नई में अभिरक्षा में रखा जाए ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन के प्रतिकूल कार्य करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर कमिशनर आफ पुलिस, चैन्नई के सामने हाजिर हों।

[फा.सं. 673/VIII/61/स.सी.गु.8]

प्रकाश चन्द्रा, उप सचिव

ORDER

New Delhi, the 6th November, 1998

S.O. 2341.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention

of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/61/96-Cus.VIII dated 25-7-1996 under the said sub-section directing that Shri C. Bhaskaran, Address : (i) Flat No. 11, No. 28, Babu Rajender Prasad Road, West Mambalam, Chennai-31, (ii) No. 55, Kayakari Amman Koll Street, Ramn. d. Pin-623501 be detained and kept in custody in the Central Prison, Chennai with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Chennai within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/61/96-Cus.VIII]

PRAKASH CHANDRA, Dy. Secy.

आदेश

नई दिल्ली, 6 नवम्बर, 1998

का.आ. 2342.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश फा.सं. 673/66/96-सी.गु.-VIII दिनांक 1-8-1996 को यह निदेश जारी किया था कि श्री एम. शाहुल हमीद, (i) नं. 10, मारायकेयर लेबाई गली, मानाडी, चैन्नई -1 (ii) पालीवासल गली, पुडुपट्टोम, जिला रामनाथपुरम को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, चैन्नई में अभिरक्षा में रखा जाए ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन के प्रतिकूल कार्य करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर कमिशनर आफ पुलिस, चैन्नई के सामने हाजिर हों।

[फा. सं. 673/66/96-सी.गु.-VIII]

प्रकाश चन्द्रा, उप सचिव

ORDER

New Delhi, the 6th November, 1998

S.O. 2342.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/66/96-Cus.VIII dated 1-8-1996 under the said sub-section directing that Shri M. Shahul Hameed, Address : (i) No. 10, Maraicair Lebbai Street, Mannady, Chennai-1, (ii) Pallivasal Street, Pudhupattinam, Ramanathapuram District be detained and kept in custody in the Central Prison, Chennai with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Chennai within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/66/96-Cus.VIII]

PRAKASH CHANDRA, Dy. Secy.

आदेश

नई दिल्ली, 6 नवम्बर, 1998

का.आ. 2343.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश फा.सं. 673/116/96-सी.शु.-VIII दिनांक 15-11-96 को यह निदेश जारी किया था कि श्री अब्दुल उर्फ डी.एम. अब्दुल खादर, वाई. वेल्गा नगर, डाक पुटूर के सरकोड, केरला को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, ट्रिबेन्डरम में अभिरक्षा में रखा जाए ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन के प्रतिकूल कार्य करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिनों के भीतर कमिशनर आफ पुलिस, ट्रिबेन्डरम के समक्ष हाजिर हो।

[फा. सं. 673/116/96-सी.शु.-VIII]

प्रकाश चन्द्रा, उप सचिव

ORDER

New Delhi, the 6th November, 1998

S.O. 2343.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/116/96-Cus.VIII dated 15-11-1996 under the said sub-section directing that Shri Abdul Khader @ D. M. Abdul Kadar, Address: Y. Vedala Nagar, P.O. Puttur, Karakode, Kerala be detained and kept in custody in the Central Prison, Trivandrum with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Trivandrum within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/116/96-Cus.VIII]

PRAKASH CHANDRA, Dy. Secy.

आदेश

नई दिल्ली, 11 नवम्बर, 1998

का.आ. 2344.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश फा.सं. 673/21/95-सी.शु.-VI] दिनांक 24-2-1995 को यह निदेश जारी किया था कि श्री बी. मदन लाल, पुत्र श्री मुरमलजी पालगोटा, निवासी फ्लैट नं. 303, III फ्लोर, अवन्ती अपार्टमेंट्स, क्विबिगुडा, सुल्तान बाजार, हैदराबाद, (II) 4-3-219/3 (टैरस कंडासामी बैंगलो) सुल्तान बाजार, हैदराबाद, (III) अमानादाबाद जालौर जिला राजस्थान को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, हैदराबाद में अभिरक्षा में रखा जाए ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन के प्रतिकूल कार्य करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिनों के भीतर कमिशनर आफ पुलिस, हैदराबाद के समक्ष हाजिर हो।

[फा.सं. 673/21/95-सी.शु.-VIII]

प्रकाश चन्द्रा, सचिव

ORDER

New Delhi, the 11th November, 1998

S.O. 2344.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange & Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/21/95-Cus. VIII dated 24-2-1995 under the said sub-section directing that Shri B. Madan Lal Address (i) Flat No. 303, 3rd Floor, Avanti Apartments, Quibiguda, Sultan Bazar, Hyderabad (ii) 4-3-219/3 (Terrace Kandasamy Bugalow, Sultan Bazar, Hyderabad (iii) Amadabad, Jalore District, Rajasthan be detained and kept in custody in the Central Prison, Hyderabad with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Hyderabad within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/21/95-Cus.VIII]

PRAKASH CHANDRA, Dy. Secy.

आदेश

नई दिल्ली, 11 नवम्बर, 1998

का.आ. 2345.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश फा.सं. 673/63/95-सी.शु.-8 दिनांक 8-6-1995 को यह निदेश जारी किया था कि श्री फखरुद्दीन गुलाम हुसैन करबला, पुत्र श्री गुलाम हुसैन, गांव मोहपदीपुरा, बोहरवाडी, जिला सांगरहाडा, डूंगरपुर, राजस्थान को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, नासिक में अभिरक्षा में रखा जाए ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन के प्रतिकूल कार्य करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर कमिश्नर आफ पुलिस, मुम्बई के समक्ष हाजिर हों।

[फा.सं. 673/63/95-सी.शु.-VIII]

प्रकाश चन्द्रा, उपसचिव

ORDER

New Delhi, the 11th November, 1998

S.O. 2345.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange & Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/63/95-Cus. VIII dated 8-6-1995 under the said sub-section directing that Shri Fakhruddin Gulant Hussain Karbala Address : Vill-Mohamedipura, Boharwadi, Sagwadi, Sagawada District Dungsapur, Rajasthan be detained and kept in custody in the Central Prison, Nasik with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Mumbai within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/63/95-Cus. VIII]
PRAKASH CHANDRA, Dy. Secy.

आदेश

नई दिल्ली, 11 नवम्बर, 1998

का.आ. 2346.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम,

1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश फा.सं. 673/80/95-सी.शु.-8 दिनांक 3-7-1995 को यह निदेश जारी किया था कि श्री के. ओस. जैम. कमालुद्दीन, पुत्र श्री कादर, पता (1) नं. 2, सिवम कुयाल गली, कोडम्बाकम, चैन्नई-24, (II) में स्टार ट्रेडिंग कं., नं. 10, थिरुवेंगडम गली, पैरियामेट, चैन्नई-3, (III) पूर्वो गली, अधिरामापट्टीनम, तन्जौर जिला को निरुद्ध कर लिया जाए और केन्द्रीय कारागार चैन्नई में अभिरक्षा में रखा जाए ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन के प्रतिकूल कार्य करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर कमिश्नर आफ पुलिस, चैन्नई के समक्ष हाजिर हों।

[फा.सं. 673/80/95-सी.शु.-VIII]

प्रकाश चन्द्रा, उपसचिव

ORDER

New Delhi, the 11th November, 1998

S.O. 2346.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange & Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/80/95-Cus. VIII dated 3-7-1995 under the said sub-section directing that Shri K.S.M. Kamaluddin Address (i) No. 2, Silvan Koil Street, Kodambakkam, Chennai-24 (ii) M/s. Star Trading Co., No. 10, Thiruvengadam Street, Periamet, Chennai-3 (iii) East Street, Adhiramapattinam, Tanjore District be detained and kept in custody in the Central Prison, Chennai with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Chennai within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/80/95-Cus. VIII]
PRAKASH CHANDRA, Dy. Secy.

आदेश

नई दिल्ली, 11 नवम्बर, 1998

का.आ. 2347.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश फा.सं. 673/113/95-सी.

शु.-8 दिनांक 3-11-1995 को यह विदेश जारी किया था कि श्री महेन्द्र कुमार जैन, उर्फ अनिल जैन पुत्र श्री मोटमाखजी जैन, निवासी मकान नं. 5-8-510/101, आचार्य सदन, चिराग अली रोड, अवीस्त, हैदराबाद को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, हैदराबाद में अभिरक्षा में रखा जाये ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन के प्रतिकूल कार्य करने से रोका जा सके।

2. केन्द्रीय सरकार, के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर कमिश्नर आफ पुलिस, हैदराबाद के समक्ष हाजिर हों।

[फा.सं. 673/113/95-सी.शु.-VIII]

प्राश चन्द्रा, उप सचिव

ORDER

New Delhi, the 11th November, 1998

S.O. 2347.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/113/95-Cus. VIII dated 3-11-1995 under the said sub-section directing that Shri Mahendra Kumar Jain @ Anil Bhai Address : (i) H. No. 5-8-510/101, Acharya Sadan, Chirag Ali Lane, Abids, Hyderabad be detained and kept in custody in the Central Prison, Hyderabad with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Hyderabad within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/113/95-Cus. VIII]

PRAKASH CHANDRA, Dy. Secy.

आदेश

नई दिल्ली, 11 नवम्बर, 1998

का.आ. 2348.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश फा.सं. 673/123/95-सी.शु.-8 दिनांक 5-10-1995 को यह निर्देश जारी किया था कि श्री सुभाष नरुला, पुत्र श्री प्यारे लाल, पता : डी.-215, अग्रान्त बिहार, दिल्ली को निरुद्ध कर लिया जाए और केन्द्रीय कारागार तिहाड़, नई दिल्ली में अभिरक्षा में रखा

जाए ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन के प्रतिकूल कार्य करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर कमिश्नर आफ पुलिस, नई दिल्ली के समक्ष हाजिर हों।

[फा.सं. 673/123/95-सी.शु.-VIII]

प्राश चन्द्रा, उप सचिव

ORDER

New Delhi, the 11th November, 1998

S.O. 2348.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/123/95-Cus. VIII dated 5-10-1995 under the said sub-section directing that Shri Subash Narula, Address : D-215, Prashant Vihar, Delhi be detained and kept in custody in the Central Prison, Tihar, New Delhi with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, New Delhi within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/123/95-Cus. VIII]

PRAKASH CHANDRA, Dy. Secy.

आदेश

नई दिल्ली, 11 नवम्बर, 1998

का.आ. 2349.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश फा.सं. 673/143/95-सी.शु.-8 दिनांक 11-12-1995 को यह निर्देश जारी किया था कि श्री ए. निजाम, पुत्र श्री अमीर बतथा, नं. 2, कुमारप्पा नगर, उत्तरी, अरकोट, अम्बेडकर जिला, कटपाडी, (2) नं. 14 पिडारीकुलम रोड, कुम्बाकुरम, जिला तंजौर, तमिल नाडु को निरुद्ध कर लिया जाये और केन्द्रीय कारागार चैन्नई में अभिरक्षा में रखा जाये ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धनों के संरक्षण के प्रतिकूल कार्य करने से रोका जा सके ;

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3 अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाश के 7 दिन के भीतर कमिश्नर आफ पुलिस, चेन्नई के समक्ष हाजिर हों।

[फा.सं. 673/143/95-सी.शु.-VIII]

प्रकाश चन्द्रा, उप सचिव

ORDER

New Delhi, the 11th November, 1998

S.O. 2349.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974), issued order F. No. 673/143/95-Cus.VIII dated 11-12-1995 under the said sub-section directing that Shri A. Nizam, Address: (i) No. 2, Kumarappa Nagar, Katpadi Town, North Arcot, Ambedkar District, Katpadi, (ii) No. 14, Pidarikulam Road, Kumbakonam, Tanjore District, Tamil Nadu be detained and kept in custody in the Central Prison, Chennai with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Chennai within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/143/95-Cus.VIII]

PRAKASH CHANDRA, Dy. Secy.

आदेश

नई दिल्ली, 11 नवम्बर, 1998

का.आ. 2350.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश फा.सं. 673/147/95-सी.शु.-VIII दिनांक 27-12-1995 को यह निर्देश जारी किया था कि श्री मसूद आलम अनसारी, कमरा नं. 12, दूसरी मंजिल विल्डिंग नं. 11, एन.आई.जी. कालोनी, कुरला पाईप, लाईन रोड कुरला (पश्चिमी) मुम्बई-400070 को निरुद्ध कर लिया जाये और केन्द्रीय कारागार, नासिक में अतिरक्षित में रखा जाये ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन के प्रतिकूल कार्य करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर कमिश्नर आफ पुलिस, मुम्बई के समक्ष हाजिर हों।

[फा.सं. 673/147/95-सी.शु.-VIII]

प्रकाश चन्द्रा, उप सचिव

ORDER

New Delhi, the 11th November, 1998

S.O. 2350.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/147/95-Cus.VIII dated 27-12-1995 under the said sub-section directing that Shri Masood Alam Ansari, Address: Room No. 12, 2nd Floor, Building No. 14, LIG Colony, Kurla Pipe Line Road, Kurla (West), Mumbai-400070 be detained and kept in custody in the Central Prison, Nasik with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Mumbai within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/147/95-Cus.VIII]

PRAKASH CHANDRA, Dy. Secy.

आदेश

नई दिल्ली, 2 नवम्बर, 1998

का.आ. 2351.—अतः संयुक्त सचिव, भारत सरकार, जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उपधारा के अधीन आदेश फा.सं. 673/2/97-सी.शु.-एस-ii-viii, दिनांक 28-1-97 जारी किया और यह निर्देश दिया कि श्री अजय मोहम्मद मुनुज श्री ए.पी. मोहम्मद, पता: 25, रामपुरी, कालकाजी नई दिल्ली-19 को निरुद्ध कर लिया जाये और केन्द्रीय कारागार, तिहाड़, नई दिल्ली में अतिरक्षित में रखा जाये जिससे कि उन्हें भविष्य में चीजों की तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती

है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त दिल्ली के समक्ष उपस्थित हो।

[फा. सं. 673/2/97-सीयूएस.-V(II)]

एम. एस. नेगी, अवर सचिव

ORDER

New Delhi, the 2nd November, 1998

S.O. 2351.—Whereas the Joint Secretary to the Government of India specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/2/97-Cus. VIII dated 28-01-97 under the said sub-section directing that Shri Ajay Mohpal S/o Sh. O. P. Mohpal, R/o 25, Rampuri, Kalkaji, New Delhi-19 be detained and kept in custody in the Central Prison, Tihar, New Delhi with a view to preventing him from Smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or has been concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Delhi within 7 days of the publication of this order in the official Gazette.

[F. No. 673/2/97-Cus. VIII]

M. S. NEGI, Under Secy.

आदेश

नई दिल्ली, 2 नवम्बर, 1998

का.आ. 2352.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उपधारा के अधीन आदेश फाइल सं. 673/52/97-सी यू एस.-VIII, दिनांक 17-7-97 जारी किया और यह निर्देश दिया कि श्री प्रीथपाल सिंह सुपुत्र श्री कर्म सिंह पता:—एल-44, दूसरा तल, लाजपत नगर-2, नई दिल्ली को निरुद्ध कर लिया जाये और केन्द्रीय कारागार, तिहाड़, नई दिल्ली में अभिरक्षा में रखा जाये जिससे कि उन्हें भविष्य में बीजों की तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे कि यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, दिल्ली के सम्मुख उपस्थित हो।

[फा.सं. 673/52/97-सी यू एस.-VIII]

एम. एस. नेगी, अवर सचिव

ORDER

New Delhi, the 2nd November, 1998

S.O. 2352.—Whereas the Joint Secretary to the Government of India specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/52/97-Cus. VIII dated 17-7-97 under the said sub-section directing that Shri Prithpal Singh, S/o Sh. Karm Singh, R/o L-44, 2nd Floor, Lajpat Nagar-I, New Delhi be detained and kept in custody in the Central Prison, Tihar, New Delhi with a view to preventing him from Smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or has been concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Delhi within 7 days of the publication of this order in the official Gazette.

[F. No. 673/52/97-Cus. VIII]

M. S. NEGI Under Secy.

(सैंट्रल इकॉनॉमिक इन्टेलीजेन्स ब्यूरो)

आदेश

नई दिल्ली, 6 नवम्बर, 1998

का.आ. 2353.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उपधारा के अधीन आदेश फाइल सं. 673/52/96-सी यू एस.-VIII, दिनांक 23-8-96 जारी किया और यह निर्देश दिया कि श्री बीरेन्द्र रमनोजी उर्फ बीरेन्द्र कुमार पता:—59, उदय पार्क, नई दिल्ली को निरुद्ध कर लिया जाये और केन्द्रीय कारागार, तिहाड़, नई दिल्ली में अभिरक्षा में रखा जाये जिससे कि उन्हें भविष्य में बीजों की तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे कि यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, नई दिल्ली के सम्मुख उपस्थित हो।

[फा.सं. 673/52/96-सीयूएस.-V(II)]

एम. एस. नेगी, अवर सचिव

(Central Economic Intelligence Bureau)

ORDER

New Delhi, the 6th November, 1998

S.O. 2353.—Whereas the Joint Secretary to the Government of India specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Pre-

vention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/52/96-Cus. VIII dated 23-8-96 under the said sub-section directing that Shri Virendra Rastogi @ Virendra Kumar, R/o 59, Uday Park, New Delhi be detained and kept in custody in the Central Prison, Tihar, New Delhi with a view to preventing him from Smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or has been concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, New Delhi within 7 days of the publication of this order in the official Gazette.

[F. No. 673/52/96-Cus. VIII]

M. S. NEGI, Under Secy.

आदेश

नई दिल्ली, 6 नवम्बर, 1998

का.आ. 2354.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उपधारा के अधीन आदेश फाइल सं. 673/53/98-सी यू एम-8, दिनांक 23-8-96 जारी किया और यह निर्देश दिया कि श्री आनन्द जैन उर्फ आनन्द कुमार पता :—बी-4/522, एकता गार्डन, 9, मदर डेयरी रोड, आई.पी. एक्सटेंशन, नई दिल्ली को निरुद्ध कर लिया जाये और केन्द्रीय कारागार, तिहाड़, नई दिल्ली में अभिरक्षा में रखा जाये जिससे कि उन्हें भविष्य में चीजों की तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे कि यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, नई दिल्ली के सम्मुख उपस्थित हो।

[फा.सं. 673/53/96-सी.यू.एस.-8]

एम. एस. नेगी, अवर सचिव

ORDER

New Delhi, the 6th November, 1998

S.O. 2354.—Whereas the Joint Secretary to the Government of India specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/53/96-Cus. VIII dated 23-8-96 under the said sub-section directing that Shri Anand Jain @ Anand Kumar R/o B-4/522, Ekta Garden, 9, Mother Dairy Road, 3012 GI/98—2

I. P. Extension, New Delhi be detained and kept in custody in the Central Prison, Tihar, New Delhi with a view to preventing him from Smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or has been concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police Delhi within 7 days of the publication of this order in the official Gazette.

[F. No. 673/53/96-Cus. VIII]

M. S. NEGI, Under Secy.

आदेश

नई दिल्ली, 6 नवम्बर, 1998

का.आ. 2355.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 1 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उपधारा के अधीन आदेश फाइल सं. 673/91/96-सी यू एम-8, दिनांक 4-11-96 जारी किया और यह निर्देश दिया कि श्री मुन्नी लाल सुपत्र राम प्रकाश पता :—बी-11, बुद्ध विहार, नई दिल्ली को निरुद्ध कर लिया जाये और केन्द्रीय कारागार, तिहाड़, नई दिल्ली में अभिरक्षा में रखा जाये जिससे कि उन्हें भविष्य में चीजों की तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे कि यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, नई दिल्ली के सम्मुख उपस्थित हो।

[फा.सं. 673/91/96-सी.यू.एस.-8]

एम. एस. नेगी, अवर सचिव

ORDER

New Delhi, the 6th November, 1998

S.O. 2355.—Whereas the Joint Secretary to the Government of India specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/91/96-Cus. VIII dated 4-11-96 under the said sub-section directing that Shri Munni Lal S/o Sh. Ram Prakash, R/o V-11, Budh Vihar, New Delhi be detained and kept in custody in the Central Prison, Tihar, New Delhi with a view to preventing him from Smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or has been concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Delhi within 7 days of the publication of this order in the official Gazette.

[F. No. 673/91/96-Cus. VIII]

M. S. NEGI, Under Secy.

आदेश

नई दिल्ली, 6 नवम्बर, 1998

का.पा. 2356.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उपधारा के अधीन आदेश फाइल सं. 673/94/96-सी.यू.एस.-VIII, दिनांक 4-11-98 जारी किया और यह निर्देश दिया कि श्री दर्शन सिंह, उर्फ फौजी सुपुत्र श्री प्रीतम सिंह पता:—शकूपुर मोहल्ला, जि. बटाला, पंजाब को निरुद्ध कर लिया जाये और केन्द्रीय कारागार, तिहाड़, नई दिल्ली में अभिरक्षा में रखा जाये जिससे कि उन्हें भविष्य में चीजों की तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे कि यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस प्रायुक्त, नई दिल्ली के सम्मुख उपस्थित हो।

[फा.सं. 673/94/96-सी.यू.एस.-VIII]

एम.एस. नेगी, अवर सचिव

ORDER

New Delhi, the 6th November, 1998

S.O. 2356.—Whereas the Joint Secretary to the Government of India specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/94/96-Cus. VIII dated 4-11-98 under the said sub-section directing that Shri Darshan Singh @ Fauzi, S/o Sh. Pritam Singh, R/o Shakurpur Mohalla, Distt. Batala, Punjab be detained and kept in custody in the Central Prison, Tihar, New Delhi with a view to preventing him from Smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or has been concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person

to appear before the Commissioner of Police, Delhi within 7 days of the publication of this order in the official Gazette.

[F. No. 673/94/96-Cus. VIII]

M. S. NEGI, Under Secy.

आदेश

नई दिल्ली, 9 नवम्बर, 1998

का.पा. 2357.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उपधारा के अधीन आदेश फाइल सं. 673/101/96-सी.यू.एस.-VIII, दिनांक 25-10-96 जारी किया और यह निर्देश दिया कि श्री प्रमोद कुमार सुपुत्र स्व. रामकिशन पता: मकान नं. 1608 (भूमि तल), आउटराम लाईन्स, किंग्सवे कैम्प, दिल्ली को निरुद्ध कर लिया जाए और केन्द्रीय कारागार तिहाड़, नई दिल्ली में अभिरक्षा में रखा जाए जिससे कि उन्हें भविष्य में चीजों की तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे कि यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस प्रायुक्त, नई दिल्ली के सम्मुख उपस्थित हो।

[फा.सं. 673/101/96-सी.यू.एस.-VIII]

तरसेम लाल, उप सचिव

ORDER

New Delhi, the 9th November, 1998

S.O. 2357.—Whereas the Joint Secretary to the Government of India specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/101/96-Cus. VIII dated 25-10-96 under the said sub-section directing that Shri Parmod Kumar S/o Lines, Kingsway Camp, Delhi be detain and kept in Lines, Kingsway Camp, Delhi to detained and kept in custody in the Central Prison, Tihar, New Delhi with a view to preventing him from Smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or has been concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Delhi within 7 days of the publication of this order in the official Gazette.

[F. No. 673/101/96-Cus. VIII]

TARSEM LAL, Dy. Secy.

आदेश

नई दिल्ली, 9 नवम्बर, 1998

का.आ. 2358.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की है, ने उक्त उपधारा के अधीन आदेश फाइल सं. 673/64/96-सी.यू.एम.-VIII, दिनांक 30-7-96 जारी किया और यह निर्देश दिया कि श्री मधुकान्त पी. जैन, पता : कार्यालय : 17, चम्पा गली, जहावेरी बाजार, दूसरा तल, मुम्बई-400002 घर : 6, वन्का मोहल्ला, चौरा बाजार, चौथा तल, कोलभात लेन, मुम्बई-400002 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, मुम्बई में अभिरक्षा में रखा जाए जिससे कि उन्हें भविष्य में चीजों की तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे कि यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, मुम्बई के सम्मुख उपस्थित हो।

[फा.सं. 673/64/96-सी.यू.एम.-VIII]

तरसेम लाल, उपसचिव

ORDER

New Delhi, the 9th November, 1998

S.O. 2358.—Whereas the Joint Secretary to the Government of India specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/64/96-Cus. VIII dated 30-7-96 under the said sub-section directing that Shri Madhukant P. Jain Office : 17, Champa Galli, Jhaveri Bazar, 2nd Floor, Mumbai-400002 Res : 6, Vanka Mohalla, Chira Bazar, 4th Floor, Kolbhat lane, Mumbai-400002 be detained and kept in custody in the Central Prison, Mumbai with a view to preventing him from Smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or has been concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Mumbai within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/64/96-Cus. VIII]

TARSEM LAL, Dy. Secy.

कोफेपोसा यूनिट

आदेश

नई दिल्ली, 11 नवम्बर, 1998

का.आ. 2359.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उपधारा के अधीन आदेश फाइल सं. 673/24/95-सी.यू.एस.-VIII, दिनांक 7-2-95 जारी किया और यह निर्देश दिया कि श्री जुगल किशोर सुपुत्र श्री बिरदी चन्द पता :—बी-255, इन्दिरा नगर, दिल्ली को निरुद्ध कर लिया जाये और केन्द्रीय कारागार, तिहाड़, नई दिल्ली में अभिरक्षा में रखा जाये जिससे कि उन्हें भविष्य में चीजों की तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे कि यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, नई दिल्ली के सम्मुख उपस्थित हो।

[फा.सं. 673/24/95-सी.यू.एस.-VIII]

एम.एस. नेगी, अवसर सचिव

(COFEPUSA UNIT)

ORDER

New Delhi, the 11th November, 1998

S.O. 2359.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/24/95-Cus.VIII dated 7-2-95 under the said sub-section directing that Shri Jugal Kishore, S/o. Shri Birdi Chand, B-255, Indira Nagar, Delhi be detained and kept in custody in the Central Prison, Tihar, New Delhi with a view to preventing him from Smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or has been concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, New Delhi within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/24/95-Cus.VIII]

M. S. NEGI, Under Secy.

आदेश

नई दिल्ली, 11 नवम्बर, 1998

का.आ. 2360.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के

अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उपधारा के अधीन आदेश फाइल सं. 673/54/96-सी. यू.एस.-VIII, दिनांक 23-8-96 जारी किया और यह निर्देश दिया कि श्री बी.के. गुप्ता पता:—3436, गली लालू मिश्रा, कुतुब रोड, दिल्ली-110006 को निरुद्ध कर लिया जाये और केन्द्रीय कारागार, तहाड़, नई दिल्ली में अभिरक्षा में रखा जाये जिससे कि उन्हें भविष्य में चीजों की तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रहा है जिससे कि यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति का यह निर्देश देता है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, नई दिल्ली के सम्मुख उपस्थित हो।

[फा.सं. 673/54/96-सी-यू.एस.-VIII]

एम.एस. नेगी, अवसर सचिव

ORDER

New Delhi, the 11th November, 1998

S.O. 2360.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/54/96-Cus.VIII dated 23-8-96 under the said sub-section directing that Shri B. K. Gupta, 3436, Gali Lala Mithra, Kutub Road, Delhi-110006 be detained and kept in custody in the Central Prison, Tihar, New Delhi with a view to preventing him from smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or has been concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, New Delhi within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/54/96-Cus.VIII]

M. S. NEGI, Under Secy.

आदेश

नई दिल्ली, 11 नवम्बर, 1998

का.आ.2361.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उपधारा के अधीन आदेश फाइल सं. 673/132/95-सी यू.एस.-VIII दिनांक 15-11-95 जारी किया और यह निर्देश दिया कि श्री फारूक इब्राहीम देसाई, पता:—फ्लैट नं. 201, मोर्दन अपार्टमेंट, मुस्लिम सोसाइटी,

नवरांगपुरा, अहमदाबाद-380009 को निरुद्ध कर लिया जाये और केन्द्रीय कारागार, नासिक, महाराष्ट्र में अभिरक्षा में रखा जाये जिससे कि उन्हें भविष्य में चीजों की तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रहा है जिससे कि यह आदेश निष्पादित नहीं किया जा सकता।

4. अतः अब, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति का यह निर्देश देता है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, मुम्बई के सम्मुख उपस्थित हो।

[फा.सं. 673/132/95-सी.-यू.एस.-VIII]

तरसेम लाल, उप सचिव

ORDER

New Delhi, the 11th November, 1998

S.O. 2361.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/132/95-Cus.VIII dated 15-11-95 under the said sub-section directing that Shri Farook Ibrahim Desai, Flat No. 201, Main Apartment, Muslim Society, Navrangpura, Ahmedabad-380009 be detained and kept in custody in the Central Prison, Nasik Maharashtra with a view to preventing him from smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or has been concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Mumbai within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/132/95-Cus.VIII]

TARSEM LAL, Dy. Secy.

आदेश

नई दिल्ली, 13 नवम्बर, 1998

का.आ.2362.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उपधारा के अधीन आदेश फाइल सं. 673/23/98-सी. यू. एस.-8, दिनांक 28-9-98 जारी किया और यह निर्देश दिया कि श्री राम अयतार केदार नाथ भित्तल स्व. श्री केदारनाथ भित्तल पता:—402, सीस्पार्कल, जुहू तारा रोड, जुहू, मुम्बई-49 को निरुद्ध कर लिया जाये और केन्द्रीय कारागार, नासिक, महाराष्ट्र में अभिरक्षा में रखा जाये जिससे कि उन्हें भविष्य में चीजों की तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रहा है जिससे कि यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निवेदन देती है कि वह शासकाय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, मुम्बई के सम्मुख उपस्थित हो।

[फा.सं. 673/23/98-सो.यू.एस.-VIII]

तरसम लाल, उप सचिव

ORDER

New Delhi the 15th November, 1998

S.O. 2362.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/23/98-Cus.VIII dated 28-09-98 under the said sub-section directing that Shri Ram Autar Kedarnath Mittal, S.O. Late Shri Kedarnath Mittal, 402, Sea Sparkle, Juhu Tala Road, Juhu, Mumbai-49 be detained and kept in custody in the Central Prison, Nasik, Maharashtra with a view to preventing him from smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or has been concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Mumbai within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/23/98-Cus.VIII]

TARSEM LAL, Dy. Secy.

नई दिल्ली, 24 सितम्बर, 1998

(आयकर)

का. आ. 2363--आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "द लेट एवार्ड डी. बी. मेहताज जोरोस्ट्रीयन अन्जुमन अताश अदरन, बलवत्ता" को कर निर्धारण वर्ष 1998-2000 से 2001-2002 तक के लिए निम्नलिखित शर्तों के अधीन रखते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :-

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (2) कर निर्धारिती उपर-उल्लिखित कर निर्धारण वर्षों से सगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में

विनिविष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, पर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10710/फा. सं. 197/43/98
आईटीए-1]

समर भद्र, अवसर सचिव

New Delhi, the 24th September, 1998

(INCOME TAX)

S.O. 2363.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Late Ervad D. B. Mehta's Zoroastrian Anjuman Atash Adaran", Calcutta for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-02 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its Funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10710/F. No. 197/43/98-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 26 मई, 1998

(आयकर)

का. आ. 2364--आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "मार थोमा सीरियन चर्च आफ मालाबार लिक्वरेला" को कर निर्धारण वर्ष 1998-99 से 2000-2001 तक के लिए निम्नलिखित शर्तों के अधीन

रखते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है। अधिसूचना :-

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 3 नवम्बर, 1998

(i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संभयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;

(ii) कर निर्धारिती ऊपर उल्लिखित कर निर्धारण वर्षों से-संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक वय अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाष के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जावेंगी हों ।

[अधिसूचना सं. 10618/फ. सं. 197/21/98-
आई.टी.ए.-I]

प्रमिला भारद्वाज, उप सचिव

New Delhi, the 26th May, 1998

(INCOME TAX)

S.O. 2364.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies Mar Thoma Syrian Church of Malabar, Tiruvalla for the purpose of the said sub-clause for the assessment years 1998-99 to 2000-01 subject to the following conditions, namely :-

- (i) the assessee will apply its income or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10618/F. No. 197/21/98/ITA-I]
PROMILA BHARDWAJ, Dy. Secy.

का.आ. 2365.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 9 के उपखंड (1) और (2) के साथ पठित बैंककारी कम्पनी (उपक्रमों का अर्जन एवं अन्तरण) अधिनियम, 1970 की धारा 9 की उपधारा (3) के खंड (ज) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक के परामर्श के बाद, एतद्वारा श्री के. एस. शेटी, सिडीकेट बैंक अधिकारी परि-संघ के वर्तमान महासचिव (सिडीकेट बैंक औद्योगिक वित्त शाखा, मुम्बई में अधिकारी के रूप में नियुक्त), को 03 नवम्बर, 1998 से 02 नवम्बर, 2001 तक या सिडीकेट बैंक के अधिकारी के रूप में उनकी सेवाएं समाप्त होने तक, इनमें जो भी पहले हो, सिडीकेट बैंक के बोर्ड के निदेशक के रूप में नामित करती है। यह नामांकन रिट याचिका संख्या 4422-23/1998 (एल) में कर्नाटक उच्च न्यायालय के अन्तिम निर्णय के अध्वधीन होगा ।

[फ. सं. 9/20/97-बी. ओ. I]

के. के. मंगल, अवर सचिव

(Department of Economic Affairs)
(Banking Division)

New Delhi, the 3rd November, 1998

S.O. 2365.—In exercise of the powers conferred by clause (f) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clause (1) and (2) of clause 9 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970 the Central Government, after consultation with the Reserve Bank of India, hereby nominates Shri K. S. Shetty, presently General Secretary of the Syndicate Bank Officers' Association (posted as Officer at the Syndicate Bank's Industrial Finance Branch, Mumbai) as a Director on the Board of Syndicate Bank with effect from 3rd November, 1998 and upto 2nd November, 2001 or until he ceases to be an officer of Syndicate Bank whichever is earlier. The nomination will be subject to the final decision of the High Court of Karnataka in Writ Petition No. 4422-23/1998(L).

[F. No. 9/20/97-B.O.I.]

K. K. MANGAL, Under Secy.

नई दिल्ली, 5 नवम्बर, 1998

का.आ. 2366.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 9 के उपखंड (1) और (2) के साथ पठित बैंककारी कम्पनी (उपक्रमों का अर्जन एवं अन्तरण) अधिनियम, 1970 की धारा 9 की उपधारा 3 के खंड (च) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक के परामर्श के बाद, एतद्वारा श्री एन. एस. अग्रवाल, अखिल भारतीय बैंक आफ बड़ौदा अधिकारी परि-संघ के वर्तमान अखिल भारतीय अध्यक्ष (बैंक आफ बड़ौदा आंचलिक कार्यालय, उत्तरी अंचल, नई दिल्ली में वरिष्ठ प्रबंधक के रूप में नियुक्त), को 05 नवम्बर, 1998 से 04 नवम्बर, 2001 तक या बैंक आफ बड़ौदा के अधिकारी के रूप में उनकी सेवाएं समाप्त होने तक, इनमें जो भी पहले हो, बैंक आफ बड़ौदा के बोर्ड के निदेशक

के रूप में नामित करती है। यह नामांकन रिट याचिका संख्या 4422-23/1998 (एल) में कर्नाटक उच्च न्यायालय के अंतिम निर्णय के अधीन होगा।

[फा. सं. 9/25/97-बी. ओ.-1]

के. के. मंगल, अवर सचिव

New Delhi, the 5th November, 1998

S.O. 2366.—In exercise of the powers conferred by clause (f) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clause (1) and (2) of clause 9 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby nominates Shri N. S. Agarwal, presently All India President of the All India Bank of Baroda Officers' Association (posted as Senior Manager at the Bank of Baroda, Zonal Office, Northern Zone, New Delhi) as a Director on the Board of Bank of Baroda with effect from 5th November, 1998 and upto 4th November, 2001, or until he ceases to be an officer of Bank of Baroda, whichever is earlier. The nomination will be subject to the final decision of the High Court of Karnataka in Writ Petition No. 4422-23/1998(f).

[F. No. 9/25/97-B.O.-I]

K. K. MANGAL, Under Secy.

नई दिल्ली, 5 नवम्बर, 1998

का.आ. 2367:—भारतीय स्टेट बैंक (अनुषंगी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 26 की उपधारा (2क) के साथ पठित धारा 25 की उपधारा (i) के खंड (गख) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्वारा इस समय अनुषंगी बैंक अधिकारी परिसंघ के स्टेट बैंक आफ सौराष्ट्र इकाई के उपाध्यक्ष, (महोदय वैकिंग कक्ष, अहमदाबाद में उप प्रबंधक के रूप में तैनात) श्री एम. बी. भट्ट को 05 नवम्बर, 1998 से 04 नवम्बर, 2001 तक अथवा स्टेट बैंक आफ सौराष्ट्र के अधिकारी के रूप में उनकी सेवाएं समाप्त होने तक, इनमें से जो भी पहले हो स्टेट बैंक आफ सौराष्ट्र के बोर्ड में निदेशक नामित करती है। यह नामांकन रिट याचिका संख्या 4422-23/1998 (एल) पर कर्नाटक उच्च न्यायालय के अंतिम निर्णय के अधीन होगा।

[एफ. संख्या 8/8/97-बी. ओ. 1]

के. के. मंगल, अवर सचिव

New Delhi, the 5th November, 1998

S.O. 2367.—In exercise of the powers conferred by clause (cb) of sub-section (1) of Section 25 read with sub-section (2A) of Section 26 of the State Bank of India (Subsidiary Banks) Act, 1959 (33 of 1959), the Central Government, after consultation with the Reserve Bank of India, hereby nominates Shri M.B. Bhatt, presently Vice Chairman, State Bank of Saurashtra Unit of the Associate Banks' Officers' Association (posted as Deputy Manager, Merchant Banking Cell Ahmedabad) as a Director on the Board of State Bank of Saurashtra with effect from 5th November 1998 and upto 4th November, 2001 or until he ceases to be an officer of State Bank of Saurashtra, whichever is earlier. The nomination will be subject to the final decision of the High Court of Karnataka in Writ Petition No. 4422/23/1998(f).

[F. No. 8/8/97-B.O.I]

K. K. MANGAL, Under Secy.

नई दिल्ली, 5 नवम्बर, 1998

का.आ. 2368:—भारतीय स्टेट बैंक (अनुषंगी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 26 की उपधारा (2क) के साथ पठित धारा 25 की उपधारा (1) के खंड (गख) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्वारा इस समय अनुषंगी बैंक अधिकारी परिसंघ के स्टेट बैंक आफ हैदराबाद इकाई के अध्यक्ष, (कार्य प्रशासन विभाग, प्रधान कार्यालय, हैदराबाद में मुख्य प्रबंधक के रूप में तैनात) श्री टी. मधु सुदन राव को 05 नवम्बर, 1998 से 04 नवम्बर, 2001 तक अथवा स्टेट बैंक आफ हैदराबाद के अधिकारी के रूप में उनकी सेवाएं समाप्त होने तक, इनमें से जो भी पहले हो, स्टेट बैंक आफ हैदराबाद के बोर्ड में निदेशक नामित करती है यह नामांकन रिट याचिका संख्या 4422-23/1998 (एल) पर कर्नाटक उच्च न्यायालय के अंतिम निर्णय के अधीन होगा।

[एफ. संख्या 8/13/97-बी. ओ.-I]

के. के. मंगल, अवर सचिव

New Delhi, the 5th November, 1998

S.O. 2368.—In exercise of the powers conferred by clause (cb) of sub-section (1) of Section 25 read with sub-section (2A) of Section 26 of the State Bank of India (Subsidiary Banks) Act, 1959 (33 of 1959), the Central Government, after consultation with the Reserve Bank of India, hereby nominates Shri T. Madhusudhana Rao, presently Chairman, State Bank of Hyderabad Unit of the Associate Banks' Officers' Association (posted as Chief Manager, Off. Administration Department, Head Office Hyderabad) as a Director on the Board of State Bank of Hyderabad with effect from 5th November, 1998 and upto 4th November, 2001, or until he ceases to be an officer of State Bank of Hyderabad, whichever is earlier. The nomination will be subject to the final decision of the High Court of Karnataka in Writ Petition No. 4422-23/1998(f).

[F. No. 8/13/97-B.O.-I]

K. K. MANGAL, Under Secy.

नई दिल्ली, 9 नवम्बर, 1998

का.आ. 2369:—राष्ट्रीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 (1981 का 61) की धारा 6 की उपधारा (1) के खंड (घ) के साथ पठित उसकी उपधारा (2) और धारा 8 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय रिजर्व बैंक से परामर्श से एतद्वारा, श्री याई. सी. नंदा, वर्तमान कार्यपालक निदेशक, राष्ट्रीय कृषि और ग्रामीण विकास बैंक (नाचार्ड) को उनके कार्यभार ग्रहण करने की तारीख से और 20 जून, 2002 तक की अवधि के लिए राष्ट्रीय कृषि और ग्रामीण विकास बैंक में प्रबंध निदेशक के रूप में नियुक्त करती है।

[फा. सं. 7/7/98-बी. ओ.-I]

के. के. मंगल, अवर सचिव

New Delhi, the 9th November, 1998

S.O. 2369.—In exercise of the powers conferred by clause (g) of sub-section (1) of Section 6 read with sub-section (2) thereof and clause (a) of sub-section (1) of Section 8 of the National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981), the Central Government, in consultation with Reserve Bank of India, hereby appoints Shri Y. C. Nanda, presently Executive Director, National Bank for Agriculture and Rural Development, as the Managing Director, National Bank for Agriculture and Rural Development, from the date of his taking charge and upto 30th June, 2003.

[F. No. 7/7/98-B.O.-I]

K. K. MANGAL, Under Secy.

नई दिल्ली, 10 नवम्बर, 1998

का.आ. 2370—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उ बंध) स्कीम, 1970 के खंड 9 के उपखंड (1) और (2) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3) के खंड (घ) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्वारा श्री पी.के. सरकार, वर्तमान महासचिव अखिल भारतीय यूनियन बैंक अधिकारी परिषद (यूनियन बैंक आफ इंडिया, इंडियन एक्सचेंज प्लेस शाखा, कलकत्ता में तैनात) को 10 नवम्बर, 1998 से और 9 नवम्बर, 2001 तक, या यूनियन बैंक आफ इंडिया के अधिकारी के रूप में सेवाएं समाप्त होने तक, जो भी पहले हो, यूनियन बैंक आफ इंडिया के बोर्ड में निदेशक के रूप में नामित करती है। यह नामांकन रिट याचिका सं० 4422-23/1998 (एल) में कर्नाटक उच्च न्यायालय के अंतिम निर्णय के अधधीन होगा।

[फा.सं. 9/24/97-बी.ओ.-I]

के.के. मंगल, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 10th November, 1998

S.O. 2370.—In exercise of the powers conferred by clause (f) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clauses (1) and (2) of clause 9 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the

Reserve Bank of India, hereby nominates Shri P. K. Sarkar, presently General Secretary of the All India Union Bank Officers' Federation (posted at the Union Bank of India, Indian Exchange Place Branch, Calcutta) as a Director on the Board of Union Bank of India with effect from 10th November, 1998 and upto 9th November, 2001 or until he ceases to be an officer of Union Bank of India, whichever is earlier. The nomination will be subject to the final decision of the High Court of Karnataka in Writ Petition No. 4422-23/1998(L).

[F. No. 9/24/97-B.O.-I]

K. K. MANGAL, Under Secy.

कोयला मंत्रालय

शुद्धि-पत्र

नई दिल्ली, 30 अक्टूबर 1998

का.आ. 2371.—भारत के राजपत्र, तारीख 25 जुलाई, 1998 के भाग-2, खंड-3, उपखंड (ii) में पृष्ठ क्रमांक 2663 से 2665 पर प्रकाशित भारत सरकार, कोयला मंत्रालय की अधिसूचना का.आ. 1453 तारीख 16 जुलाई 1998 में :—

पृष्ठ क्रमांक-2664 अधिसूचना में :—

पंक्ति-3 “कलकत्ता 670001” के स्थान पर “कलकत्ता 700001” पढ़ें।

पंक्ति-6 “नक्शों बाटो” के स्थान पर “नक्शों चाटों” पढ़ें।

पंक्ति-7 “कोलफील्ड्स लिमिटेड, सीपत रोड” के स्थान पर “कोलफील्ड्स लिमिटेड, सीपतरोड” पढ़ें।

अनुसूची में :—

पंक्ति-1 “खैरहा ब्लॉक” के स्थान पर “खैरहा ब्लॉक” पढ़ें तालिका में ग्राम का नाम स्तंभ के नीचे

क्रम संख्या -1 “खैरहा” के स्थान पर “खैरहा” पढ़ें।

तालिका में, जिला स्तंभ के नीचे,

क्रम संख्या-3, “शहडोल” के स्थान पर “शहडोल” पढ़ें।

“क्षेत्र हेक्टेयर में” के स्थान पर “क्षेत्र हेक्टेयर में” पढ़ें।

क्षेत्र हेक्टेयर में स्तंभ के नीचे

क्रम संख्या-4, “125.125” के स्थान पर “960.135” पढ़ें।

टिप्पण स्तंभ के नीचे,

क्रम संख्या-4, “भाग” के स्थान पर “संपूर्ण” पढ़ें।

[सं. 43015/9/98-पीआरआईडब्ल्यू]

के.एस. क्रोफा, निदेशक

नई दिल्ली, 5 नवम्बर, 1998

का.आ. 2372.—केन्द्रीय सरकार ने कोयला धारण क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उपधारा (1) के अधीन जारी की गई भारत सरकार के कोयला मंत्रालय की अधिसूचना सं. का.आ. 970, तारीख 27 मार्च, 1997 जो भारत के राजपत्र भाग II, खंड 3, उपखंड (ii) तारीख 12 जून, 1997 में प्रकाशित की गई थी द्वारा उक्त अधिसूचना में संलग्न अनुसूची 'क' में वर्णित भूमियों में या उस पर के सभी अधिकारों और अनुसूची में वर्णित भूमियों पर खनन अधिकारों के अर्जन करने के अर्थ में आशय की सूचना दी थी:

आ. संलग्न प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपने रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और महाराष्ट्र सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि—

- (क) इससे संलग्न अनुसूची 'क' में वर्णित 106.45 हैक्टर (लगभग) या 263.04 एकड़ (लगभग) माप वाली भूमि; और
- (ख) इससे संलग्न अनुसूची 'ख' में वर्णित 73.46 हैक्टर (लगभग) या 181.52 एकड़ (लगभग) माप वाली भूमि में खनिजों के खनन, खदान, बोर करने, उनकी खुदाई और तलाश करने, प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकार अर्जित किए जाने चाहिए।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि—

- (क) इससे संलग्न अनुसूची 'क' में वर्णित 106.45 हैक्टर (लगभग) या 263.04 एकड़ (लगभग) माप वाली भूमि; और
- (ख) इससे संलग्न अनुसूची 'ख' में वर्णित 73.46 हैक्टर (लगभग) या 181.52 एकड़ (लगभग) माप वाली भूमि में खनिजों के खनन, खदान, सारे करने, उनकी खुदाई और तलाश करने, प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकार, अर्जित किए जाते हैं।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक सं. सी-1 (ई) III-जे जे जे आर/631/0697 तारीख 30 जून, 1997 का निरोक्षण कन्वक्टर, चन्द्रपुर (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, 1, काउन्सिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में या वैस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग) कोल स्टेट सिविल लाइन्स नागपुर-440001 (महाराष्ट्र) के कार्यालय में किया जा सकेगा।

अनुसूची 'क'

पोनी बिबून परियोजना

बल्लारपुर क्षेत्र

जिला चन्द्रपुर (महाराष्ट्र)

[रेखांक सं. सी-1 (ई) III/जे जे जे आर/631/0697 तारीख 30 जून, 1997]

सभी अधिकार

क्रम सं.	ग्राम का नाम	पटवारी सकिल सं.	तहसील	जिला	क्षेत्र हैक्टर में	टिप्पणियां
1.	साकरी	2	राजुरा	चन्द्रपुर	57.30	भाग
2.	पोनी	2	राजुरा	चन्द्रपुर	49.15	भाग
		कुल क्षेत्र	106.45 हैक्टर (लगभग) या 263.04 एकड़ (लगभग)			

ग्राम साकरी में अजित प्लाट सं. :

204/1-204-280-4/3-204/4, -204/5-204/6, 205/1-205/2, 205/3-205/4, 206/1-206/2, 207/1-207/2, 208, 209/1-209/2, 210, 211, 212/1-212/2-212/3-212/4, 213, 218/1-218/2, 219/1-219/2, 220/1-220/2, 221, 222, 223/1-223/2, 224/1-224/2-224/3-224/4-224/5-224/6-224/7, 225/1-225/2, 228/1-228/2, 229/1-229/2 ।

ग्राम पौनी में अजित प्लाट सं. :

147, 148/1-148/2, 149/1-149/2, 150/1-150/2-150/3, 151/1-151/2-151/3, 152/1-152/2-152/3, 153/1-153/2, 154/1-154/2-154/3-154/4-154/5-154/6, 155 से 170 नाला भाग ।

सीमा वर्णन :

- क-ख : रेखा बिन्दु 'क' से आरंभ होती है और प्लाट सं. 205/1-205/2-205/3-205/4, 204/1-204/2-204/3-204/4-204/5-204/6 की बाहरी सीमा के साथ-साथ ग्राम साकरी से होकर जाती है और प्लाट सं. 161, 162, 169 170, 168, 152/1-152/2-152/3 की बाहरी सीमा के साथ-साथ ग्राम पौनी से होकर आगे बढ़ती है नाला पार करती है और बिन्दु 'ख' पर मिलती है ।
- ख-ग : रेखा नाला के पूर्वी सीमा के साथ-साथ ग्राम पौनी से होकर जाती है फिर ग्राम पौनी और ग्राम चिचोली (खुर्द) की सम्मिलित ग्राम सीमा के साथ-साथ आगे बढ़ती है और बिन्दु 'ग' पर मिलती है ।
- ग-घ : रेखा नाला पार करते हुए पौनी और ग्राम चिचोली (खुर्द) की सम्मिलित ग्राम सीमा के साथ-साथ जाती है फिर नाला की पश्चिमी सीमा के साथ-साथ ग्राम पौनी से होकर आगे बढ़ती है और बिन्दु 'घ' पर मिलती है ।
- घ-ङ : रेखा प्लाट सं. 147 की बाहरी सीमा के साथ-साथ ग्राम पौनी से होकर जाती है फिर ग्राम पौनी और ग्राम साकरी की सम्मिलित ग्राम सीमा के साथ-साथ आगे बढ़ती है, उसके पश्चात् प्लाट सं. 225/1-225/2, 228/1-228/2, 229/1-229/2-221, -218/1-218/2, 213 की बाहरी सीमा के साथ-साथ ग्राम साकरी से होकर जाती है और बिन्दु 'ङ' पर मिलती है ।
- ङ-क : रेखा प्लाट सं. 213 212/1-212/2-212/3-212/4, 211, 210, 209/1-209/2, -208, 207/1-207/2-205/1-205/2-205/3-205/4 की बाहरी सीमा के साथ-साथ ग्राम साकरी से होकर जाती है और नाला की पूर्वी सीमा के साथ-साथ जाती है तथा आरंभिक बिन्दु 'क' पर मिलती है ।

अनुसूची 'ख'

पौनी विवृत परियोजना

बल्लारपुर क्षेत्र

जिला चन्द्रपुर (महाराष्ट्र)

[रेक्रॉक सं. सी-1(ई) III/जे जे जे प्रार/631/0697 नारी ब 30 जून, 1997]

खतम अधिकार

क्रम सं.	ग्राम का नाम	पटवारी सर्किल सं.	तहसील	जिला	क्षेत्र हैक्टर में	टिप्पणियां
1.	साकरी	2	राजुरा	चन्द्रपुर	11.95	भाग
2.	पौनी	2	राजुरा	चन्द्रपुर	54.36	भाग
3.	चिचोली (खुर्द)	2	राजुरा	चन्द्रपुर	7.15	भाग
कुल क्षेत्र					73.46 हैक्टर (लगभग)	या
					181.52 एकड़ (लगभग)	

ग्राम साकरी में अजित प्लाट सं. :

201, 202/1-202/2-202/3-202/4, 203/1-203/2

ग्राम पौनी में अजित प्लाट सं.

125 भाग, 126 भाग, 127 से 130, 131/1-131/2-131/3 भाग, 132/1-132/2 भाग, 139 भाग, 142/1-142/2-142/3 भाग, 143/1-143/2 भाग, 144/1-144/2 भाग, 171/1-171/2-171/3-171/4, 172, 173/1-173/2, 174 से 180, 181/1-181/2-181/3, 182/1, 182/2, 183 से 199 नाला भाग (सड़क भाग)
ग्राम चिचोली (खुद) में अजित प्लाट सं.

32/1, 32/2, 32/3 भाग, 33, 34, 35 भाग, 36 भाग, 37/1, 37/2 भाग।

सीमा वर्णन :

- क—ख रेखा, बिन्दु 'क' से आरम्भ होती है और प्लाट सं. 203/1-203/2, 202/1-202/2-202/3-202/4 की बाहरी सीमा के साथ-साथ ग्राम साकरी से होकर जाती है, फिर प्लाट सं. 183, 182/1-182/2, 181/1-181/2-181/3, 172, 171/1-171/2-171/3-171/4 की बाहरी सीमा के साथ-साथ ग्राम पौनी से होकर आगे बढ़ती है, नाला पार करती है और बिन्दु 'ख' पर मिलती है।
- ख—ग रेखा, नाला की पूर्वी सीमा के साथ-साथ ग्राम पौनी से होकर जाती है फिर ग्राम पौनी और ग्राम चिचोली (खुद) की सम्मिलित ग्राम सीमा के साथ साथ आगे बढ़ती है और बिन्दु 'ग' पर मिलती है।
- ग—च रेखा, प्लाट सं. 32/1-32/2-32/3 की बाहरी सीमा के साथ-साथ ग्राम चिचोली (खुद) से होकर जाती है और बिन्दु 'च' पर मिलती है।
- च—छ रेखा, प्लाट सं. 32/1-32/2-32/3, 37/1-37/2, 36, 35 में ग्राम चिचोली (खुद) से होकर जाती है फिर प्लाट सं. 144/1-144/2-143/1-143/2, 142/1-142/2-142/3, 139, 132/1-132/2, 131/1-131/2-131/3, 125 में ग्राम पौनी में होकर आगे बढ़ती है प्लाट सं. 126 में सड़क पार करती है और बिन्दु 'छ' पर मिलती है।
- छ—ज रेखा, नाला पार करते हुए सड़क की बाहरी सीमा के साथ-साथ ग्राम पौनी से होकर जाती है और बिन्दु 'ज' पर मिलती है।
- ज—क रेखा, ग्राम साकरी और ग्राम पौनी की सम्मिलित ग्राम सीमा के साथ-साथ जाती है फिर प्लाट सं. 201, 203/1-203/2 की बाहरी सीमा के साथ-साथ ग्राम साकरी से होकर आगे बढ़ती है और नाला की पूर्वी सीमा के साथ-साथ जाती है और आरंभिक बिन्दु 'क' पर मिलती है।

[फा.सं. 43015/24/95-एल.एस.डब्ल्यू/वी.आर.आई.डब्ल्यू]

के.एस. श्रोफा, निदेशक

New Delhi, the 5th November, 1998

S.O.2372.—Whereas by the notification of the Government of India in the Ministry of Coal number.S.O. 970, dated the 27th March, 1997, issued under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in Part II, Section 3, Sub-Section (ii) of the Gazette of India, dated the 12th April, 1997, the Central Government gave notice of its intention to acquire all rights in or over the lands described in Schedule 'A', and the mining rights in the lands described in Schedule 'B' appended to that notification.

And whereas the competent authority, in pursuance of section 8 of the said Act, has made his report to the Central Government.

And whereas the Central Government, after considering the report aforesaid and after consulting the Government of Maharashtra, is satisfied that,—

- (a) the lands measuring 106.45 hectares (approximately) or 263.04 acres (approximately) described in schedule 'A', appended hereto : and

(b) the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 73.46 hectares (approximately) or 181.52 acres (approximately) described in Schedule 'B', appended hereto;
should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 2 of the said Act, the Central Government hereby declares that—

(a) the lands measuring 106.45 hectares (approximately) or 263.04 acres (approximately) described in Schedule 'A', appended hereto; and

(b) the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 73.46 hectares (approximately) or 181.52 acres (approximately) in Mining Rights described in Schedule 'B' appended hereto.

are hereby acquired.

The plan bearing number C-I(E) III/JJR/631/0697 dated the 30th June, 1997 of the area covered by this notification may be inspected in the office of the Collector, Chandrapur (Maharashtra) or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440 001 (Maharashtra).

SCHEDULE 'A'

Paoni Opencast Project
Ballarpur Area

District Chandrapur (Maharashtra)

[Plan No. C-I (E) III/JJR/ 631/0697 dated the 30th June, 1997]

All Rights

Serial number	Name of Village	Patwari circle number	Tehsil	District	Area in hectares	Remarks
1.	Sakri	2	Rajura	Chandrapur	57.30	Part
2.	Paoni	2	Rajura	Chandrapur	49.15	Part
Total area :					106.45 hectares (approximately) or 263.04 acres (approximately)	

Plot numbers acquired in village Sakri:

204/1-204/2-204/3-204/4-204/5-204/6, 205/1-205/2-205/3-205/4, 206/1-206/2, 207/1-207/2, 208, 209/1-209/2, 210, 211, 212/1-212/2-212/3-212/4, 213, 218/1-218/2, 219/1-219/2, 220/1-220/2, 221, 222, 223/1-223/2, 224/1-224/2-224/3-224/4-224/5-224/6-224/7, 225/1-225/2, 228/1-228/2, 229/1-229/2.

Plot numbers acquired in village Paoni:

147, 148/1-148/2, 149/1-149/2, 150/1-150/2-150/3, 151/1-151/2-151/3, 152/1-152/2-152/3, 153/1-153/2, 154/1-154/2-154/3-154/4-154/5-154/6, 155 to 170, Nalla Part.

Boundary description :

A—B : Line starts from point 'A' and passes through village Sakri along the outer boundary of plot numbers 205/1-205/2-205/3-205/4, 204/1-204/2-204/3-204/4-204/5-204/6 and proceeds through village Paoni along the outer boundary of plot numbers 161, 162, 169, 170, 168, 152/1-152/2-152/3, crosses Nalla and meets at point 'B'.

B—C : Line passes through village Paoni along the eastern boundary of Nalla, then proceeds along the common village boundary of villages Paoni and Chincholi (Khurd) and meets at point 'C'.

- C—D : Line passes along the common village boundary of villages Paoni and Chincholi (Khurd) by crossing Nalla, then proceeds through village Paoni along the Western boundary of Nalla and meets at point 'D'.
- D—E : Line passes through village Paoni along the outer boundary of plot number 147, then proceeds along the common village boundary of villages Paoni and Sakri, then passes through village Sakri along the outer boundary of plot numbers 225/1-225/2, 228/1-228/2, 229/1-229/2, 221, 218/1-218/2, 213 and meets at point 'E'.
- E—A : Line passes through village Sakri along the outer boundary of plot numbers 213, 212/1-212/2-212/3-212/4, 211, 210, 209/1-209/2, 208, 207/1-207/2, 205/1-205/2-205/3-205/4 and along the eastern boundary of nalla and meets at starting point 'A'.

SCHEDULE 'B'

Paoni Opencast Project

Ballarpur Area

District Chandrapur (Maharashtra)

[Plan No. C-1 (E) III/JJR/631/0697 dated the 30th June, 1997]

Mining Rights

Serial number	Name of village	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1.	Sakri	2	Rajura	Chandrapur	11.95	Part
2.	Paoni	2	Rajura	Chandrapur	54.36	Part
3.	Chincholi (Khurd)	2	Rajura	Chandrapur	7.15	Part
Total Area :					73.46 hectares (approximately) or 181.52 acres (approximately)	

Plot numbers acquired in village Sakri :

201, 202/1-202/2-202/3-202/4, 203/1-203/2.

Plot numbers acquired in village Paoni :

125 Part, 126 Part, 127 to 130, 131/1-131/2-131/3 Part, 132/1-132/2 Part, 139 Part, 142/1-142/2-142/3 Part, 143/1-143/2 Part, 144/1-144/2 Part, 171/1-171/2-171/3-171/4, 172, 173/1-173/2, 174 to 180, 181/1-181/2-181/3, 182/1-182/2, 183 to 199, Nalla part, road part.

Plot numbers acquired in village Chincholi (Khurd) :

32/1-32/2-32/3 Part, 33, 34, 35 Part, 36 Part, 37/1-37/2 Part.

Boundary description :

- A—B : Line starts from point 'A' and passes through village Sakri along the outer boundary of plot numbers 203/1-203/2, 202/1-202/2-202/3-202/4, then proceeds through village Paoni along the outer boundary of plot numbers 183, 182/1-182/2, 181/1-181/2-181/3, 172, 171/1-171/2-171/3-171/4, crosses nalla and meets at point 'B'.
- B—C : Line passes through village Paoni, along the eastern boundary of nalla, then proceeds along the common village boundary of villages Paoni and Chincholi (Khurd) and meets at point 'C'.
- C—F : Line passes through village Chincholi (Khurd) along the outer boundary of plot numbers 32/1-32/2-32/3 and meets at point 'F'.
- F—G : Line passes through village Chincholi (Khurd) in plot numbers 32/1-32/2-32/3, 37/1-37/2, 36, 35, then proceeds through village Paoni, in plot numbers 144/1-144/2, 143/1-143/2, 142/1-142/2-142/3, 139, 132/1-132/2, 131/1-131/2-131/3, 125, crosses road in plot number 126, crosses Road and meets at point 'G'.

- G—H: Line passes through village Paoni along the outer boundary of road by crossing nalla and meets at point 'H'.
- H—A : Line passes along the common village boundary of villages Sakri and Paoni, then proceeds through village Sakri along the outer boundary of plot numbers 201, 203/1-203/2 and along the eastern boundary of nalla and meets at starting point 'A'.

[No. 43015/24/95-LSW/PRIW]
K.S. KROPHA, Director

स्वास्थ्य और परिवार कल्याण मंत्रालय
(भारतीय चिकित्सा पद्धति एवं होम्योपैथी विभाग)

शुद्धि-पत्र

नई दिल्ली, 30 अक्टूबर, 1998

का.आ. 2373.—कृपया तारीख 25-10-97 के का.आ.सं. 2727 के हिन्दी पाठ के कालम 1 में "मुज्जफर नगर" के स्थान पर "मुज्जफरपुर" और कालम 2 में "होम्योपैथिक चिकित्सा और शल्य चिकित्सा स्नातक" को "बैचलर आफ होम्योपैथिक मेडिसिन एंड सर्जरी" पढ़ा जाए।

[सं. धी.-27021/14/77-होम्यो. (एच पी सी)]

चिरंजी लाल, अव्वर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of ISM and Homoeopathy)

CORRIGENDUM

New Delhi, the 30th October, 1998

S.O. 2373.—Please read "Muzarpur" in place of "Muzzfar Nagar" in Hindi version in Column No. 1 and "Homoeopathic Chikitsa aur Shalya Chikitsa Snatak" as "Bachelor of Homoeopathic Medicine and Surgery" in the column No. 2 of S.O. No. 2727 dated 25-10-1997.

[No. V. 27021/14/77-Homoeo. (HPC)]
CHIRANJI LAL, Under Secy.

जल-भूतल परिवहन मंत्रालय

(परिवहन पक्ष)

नई दिल्ली, 11 नवम्बर, 1998

का.आ. 2374—गोदी कामगार (रोजगार का विनियम) नियमावली, 1962 के नियम 4 के उप बिलम (1) के द्वितीय परन्तुक के साथ पठित गोदी कामगार (रोजगार का विनियम) अधिनियम, 1948 (1948 का 9) की धारा 5क की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा कैप्टन एस एम मुखर्जी, उप महाप्रबंधक भा.नौ.नि. को कलकत्ता गोदी कामगार मंडल का सदस्य नियुक्त करती है और भारत सरकार जल-भूतल परिवहन मंत्रालय (परिवहन पक्ष) की अधिसूचना सं. का.आ. 2993 दिनांक 17 अक्टूबर 1996 में और संशोधन करती है अर्थात्:—

उक्त अधिसूचना में क्रम सं. 4 के सामने "गोदी कामगारों और नौवहन कंपनियों के नियोक्ताओं का प्रतिनिधित्व करने वाले सदस्य" शीर्षक के तहत "श्री डी.के. रे" प्रविष्टि को निम्नलिखित प्रविष्टि द्वारा बदला जायेगा नामतः

"कैप्टन एस एम मुखर्जी"

[का.सं. एल बी-13014/1/96-यू एस(एल)]

एस.के. शाही, अव्वर सचिव

MINISTRY OF SURFACE TRANSPORT

(Transport Wing)

New Delhi, the 11th November, 1998

S.O. 2374.—In exercise of the powers conferred by sub-section (1) of Section 5A of Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) read with the second proviso to sub-rule (1) of Rule 4 of the Dock Workers (Regulation of Employment) Rules, 1962, the Central Government hereby appoints Capt. S. M. Mukherjee, Dy. General Manager, SCI, Calcutta, as a member of the Calcutta Dock Labour Board and makes the following amendment in the notification of the Government of India in the Ministry of Surface Transport (Transport Wing), No. S.O. 2993, dated the 17th October, 1996, namely:—

In the said notification, under the heading "Members representing employers of Dock Workers and Shipping Companies", against serial No. 4 the entry "Shri D. K. Ray", the following shall be substituted, namely:—

"Capt. S. M. Mukherjee"

[F. No. LB-13014/1/96-US(L)]

S. K. SHAHI, Under Secy.

नई दिल्ली, 11 नवम्बर, 1998

का.आ. 2375—यसः श्री पी.के.रे., उप महा प्रबंधक, भा.नौ.नि. कलकत्ता, जिन्हें भारत सरकार, जल-भूतल परिवहन मंत्रालय (परिवहन पक्ष) की अधिसूचना सं. का.आ. 2993 दिनांक 17-10-1996 के तहत गोदी कामगारों और नौवहन कंपनियों के नियोक्ताओं का प्रतिनिधित्व करने के लिये कलकत्ता गोदी कामगार मंडल का सदस्य नियुक्त किया गया था भा.नौ.नि. के लन्दन स्थित कार्यालय में तैनात कर दिये गये हैं, अतः अब वे मंडल के सदस्य का कामकाज नहीं कर पाएंगे।

इसलिये, अब, गोदी कामगार (रोजगार का विनियम)
नियमावली, 1962 के अनुसरण में केन्द्र सरकार उक्त
रिक्त अधिसूचित करती है।

(Shipping Wing)

New Delhi, the 12th November, 1998

[फा. सं. एलबी-13014/1/96-यू.एस.(एन)]

एस. के. शाही, अवसर सचिव

New Delhi, the 11th November, 1998

S.O. 2375.—Whereas Shri P. K. Ray, Deputy General Manager, SCI, Calcutta, appointed as a member of the Calcutta Dock Labour Board representing the employers of Dock Workers and Shipping Companies vide notification of the Government of India, Ministry of Surface Transport (Transport Wing), No. S.O. 2993 dated 17th October, 1996, has been posted in the office of SCI, London and would therefore, not be able to function as a member on the Board.

Now, therefore, in pursuance of rule 4 of the Dock Workers (Regulation of Employment) Rules, 1962, the Central Government hereby notifies the said vacancy.

[F. No. LB-13014/1/96-US(L)]

S. K. SHAHI, Under Secy.

(नौवहन पक्ष)

नई दिल्ली, 12 नवम्बर, 1998

का.आ. 2376.—केन्द्र सरकार, नाविक भविष्य निधि स्कीम, 1966 के पैरा 3 के साथ पठित नाविक भविष्य निधि अधिनियम, 1966 (1966 का 4) की धारा 5 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एवं द्वारा भारत सरकार, जल-भूतल परिवहन मंत्रालय (नौवन पक्ष) की दिनांक 27 जनवरी, 1996 की अधिसूचना का.आ. सं. 277 में निम्नलिखित संशोधन करती है:—

उक्त अधिसूचना में "नियोक्ता के प्रतिनिधि" "सदस्य" शीर्षकों और तत्संबंधी प्रविष्टियों के लिये श्री टी.के. चौधरी के स्थान पर निम्नलिखित शीर्षक और प्रविष्टियाँ प्रतिस्थापित की जायें, अर्थात्:—

नियोक्ता के प्रतिनिधि:

1. श्री डी.के. मुखर्जी: सचिव, आई एन एस ए,

उप-समिति (फ्लोटिंग स्टाफ),

कलकत्ता द्वारा भारतीय

नौवहन निगम लि., कलकत्ता।

[सं. एस टी-14018/1/95-एमटी]

मंजय विक्रम सिंह, अवसर सचिव

S.O. 2376.—In exercise of the powers conferred under Section 5 of the Seamen's Provident Fund Act, 1966 (4 of 1966) read with paragraph 3 of the Seamen's Provident Fund Scheme, 1966, the Central Government hereby makes the following amendments in the Notification of the Government of India in Ministry of Surface Transport (Shipping Wing) S.O. number 277 dated 27th January, 1996.

In the said notification for the headings "Employer's Representatives" "Members" and the entries relating thereto, the following headings and entries shall be substituted in place of Shri T. K. Choudhury, namely:—

Employer's Representatives:

1. Shri D. K. Mukherjee: Secretary, INSA,

Sub-committee (Floating Staff), Calcutta.

C/o Shipping Corporation of India Ltd.,

Calcutta.

[No. ST-14018/1/95-MT]

SANJAY VIKRAM SINGH, Under Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 9 अक्टूबर, 1998

का.आ. 2377:—चलचित्रिकी (प्रमाणन) नियम, 1983 के नियम 7 व 8 के साथ पठित चलचित्रिकी अधिनियम, 1952 (1952 का 37) की धारा-5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए तथा उक्त विषय पर पहले की सभी अधिसूचनाओं का अधिक्रमण करते हुए केन्द्र सरकार केन्द्रीय फिल्म प्रमाणन बोर्ड के मुम्बई सलाहकार पैनल का पुनर्गठन करती है और उक्त पैनल के सदस्य के रूप में निम्नलिखित व्यक्तियों को दो वर्ष की अवधि के लिए अथवा अपने आदेशों तक जो भी पहले हो, तत्काल प्रभाव से नियुक्त करती है:—

1. श्रीमती वनालता मिश्रा।

2. श्री विमलेश्वर प्रताप शर्मा।

3. श्री विष्णु चरण गेठी।

4. श्री पी.के. मिश्रा।

5. श्रीमती प्रतिभा राय।

- | | |
|--|---|
| 6. श्री रामा कृष्णा । | immediate effect for a period of two years or until further orders, whichever is earlier :— |
| 7. श्री सुशांत कुमार चांद | (1) Smt. Banalata Mishra |
| 8. श्री विश्वा रामन प्रसाद सिंहा । | (2) Shri Bibhudhendra Pratap Das |
| 9. डा० जोगमाया पटनायक । | (3) Shri Bishau Charan Sethi |
| 10. श्रीमती नमिता पंडा । | (4) Shri P. K. Mishra |
| 11. श्री गलोरिया मोहंती । | (5) Smt. Pratiba Rai |
| 12. पंडित प्रबोध कुमार मिश्रा । | (6) Shri Rama Krishna |
| 13. श्री प्रमोद कुमार महापात्रा । | (7) Shri Sushant Kumar Chand |
| 14. श्री सुरेश पारिथा । | (8) Shri Vishwa Raman Prasad Sinha |
| 15. सुश्री सत्याबाली दास । | (9) Dr. Jogmaya Patnaik |
| 16. श्री गोविन्द चन्द्रा तेज । | (10) Smt. Namita Panda |
| 17. सुश्री कुम कुम मोहंती । | (11) Shri Gloria Mohanty |
| 18. श्री आर०सी ढाल । | (12) Pandit Prabodh Kumar Mishra |
| 19. श्री जया प्रकाश मोहंती । | (13) Shri Pramod Kumar Mahapatra |
| 20. डा० (श्रीमती) राजेश्वरी दलबेहेरा । | (14) Shri Suresh Paritha |
| 21. डा० (श्रीमती) उर्मिला मिश्रा । | (15) Ms. Satyabali Das |
| 22. श्रीमती मनोस्वीनी राय । | (16) Shri Govind Chandra Tej |
| 23. डा. आनन्ध मोहपात्रा । | (17) Ms. Kum Kum Mohanty |
| 24. श्री संजीव मोहंती । | (18) Shri R. C. Dhall |
| 25. श्री निरंजन प्रसाद । | (19) Shri Jaya Prakash Mohanty |
| | (20) Dr. (Mrs.) Rajeshwari Dalbehera |
| | (21) Dr. (Mrs.) Urmila Mishra |
| | (22) Mrs. Manoswini Ray |
| | (23) Dr. Anantha Mohapatra |
| | (24) Shri Sanjeev Mohanty |
| | (25) Shri Niranjan Prasad. |

[फा०सं० 809/5/98-एफ०(सी०)]

आई०पी० मिश्रा, डेस्क अधिकारी

[File No. 809/5/98-F(C)I.]

I. P. MISHRA, Desk Officer

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 9th October, 1998

S.O. 2377.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 and in supersession of this Ministry's earlier Notifications on the subject, the Central Government is pleased to reconstitute the Cuttack Advisory Panel of the Central Board of Film Certification and to appoint the following persons as members of the said panel with

खाद्य और उपभोक्ता मामले मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 13 नवम्बर, 1998

का. आ. 2378.—केन्द्रीय सरकार खाद्य और माप मानक अधिनियम, 1976 (1976 का 60) की धारा 36 की उपधारा (7) और (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय की अधिसूचना सं. का. आ. 545 (अ) तारीख 12 जून, 1995

में आंशिक परिवर्तन करने के लिए उक्त अधिसूचना में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना के पैरा 4 में “जिसकी अधिकतम क्षमता 15 कि. ग्रा. और 30 कि. ग्रा. है,” शब्दों और अंकों के पश्चात् निम्नलिखित अक्षर, अंक और शब्द अंतःस्थापित किए जाएंगे, अर्थात् :—

“या कीमत संगणना रहित डी एस-65 सीरीज जिसकी अधिकतम क्षमता 6 कि. ग्रा., 15 कि. ग्रा. और 30 कि. ग्रा. है” ।

[फा. सं. डब्ल्यू एम-21(61)/94]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप तोल

MINISTRY OF FOOD AND CONSUMER AFFAIRS

(Department of Consumer Affairs)

New Delhi, the 13th November, 1998

S.O. 2378.—In exercise of the powers conferred by sub-section (7) and (12) of section 36 of the Standards of Weights and Measures Act 1976 (60 of 1976), and in partial modification of the notification of the Government of India in the Ministry of Civil Supplies, Consumer Affairs and Public Distribution number S.O. 545 (E) dated the 12th June, 1995, the Central Government hereby makes the following amendment in the said notification, namely :—

In the said notification, in paragraph 4, after the words and figures “with maximum capacity of 15kg and 30 kg.”, the following letters, figures and, words shall be inserted, namely :—

“or DS-65 series without price computing with maximum capacity of 6kg, 15kg and 30kg”.

[File No. WM 21 (61)/94]

P. A. KRISHNAMOORTHY, Director Legal Metrology

नई दिल्ली, 13 नवम्बर, 1998

का. आ. 2379.—केन्द्रीय सरकार, बाट और माप मानक अधिनियम, 1976 (1976 का 60) की धारा 36 की उपधारा (7) और (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय की अधिसूचना का. आ. 2618 तारीख 30 अगस्त, 1996 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में पैरा 4 के स्थान पर निम्नलिखित पैरा रखा गया है, अर्थात् :—

“आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती

है कि उक्त माडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 1,00,000 (एन — 1,00,000) तक के सत्वापन मापमान अंतराल “एन” की संख्या वाले और “ई” मान 1, 2 और 5 सिरीज वाले समरूप मेक, यथार्थता और उसी सिरीज के कार्यकरण वाले तोलन उपकरण भी है ।”

[फा. सं. डब्ल्यू एम-21(62)/98]

पी. ए. कृष्णामूर्ति, निदेशक, विधि मापिकी

New Delhi, the 13th November, 1998

S.O. 2379.—In exercise of the powers conferred by sub-sections (7) and (12) of Section 36 of the Standards of Weights and Measures Act, 1976 (60 of 1976), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Civil Supplies, Consumer Affairs and Public Distribution vide S.O. 2618 Dated 30th August, 1996, namely :—

In the said notification, for paragraph four, the following paragraph substituted, namely :—

“Further in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with number of verification scale interval ‘n’ upto 1,00,000 1,00,000 and with ‘e’ value 1, 2, and 5 series, manufactured by same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.”

[F. No. WM-21 (62)/98]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 13 नवम्बर, 1998

का. आ. 2380.—केन्द्रीय सरकार बाट और माप मानक अधिनियम, 1976 (1976 का 60) की धारा 36 की उपधारा (7) और (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय की अधिसूचना का. आ. 2619 तारीख 30 अगस्त, 1996 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में पैरा 4 के स्थान पर निम्नलिखित पैरा रखा गया है, अर्थात् :—

“आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी, सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 10.000 (एन < 10 000) तक के सत्यापन मापमान अंतराल “एन” की संख्या वाले और “ई” मान 1, 2 और 5 सिरीज वाले समरूप मेक यथार्थता और उसी सिरीज के कार्यकरण वाले तोलन उपकरण भी हैं।”

[फा. सं. डबल्यू एम-21(62)/98]
पी. ए. कृष्णामूर्ति निदेशक, विधि मापिकी

New Delhi, the 13th November, 1998

S.O. 2380.—In exercise of the powers conferred by sub-sections (7) and (12) of Section 36 of the Standards of Weight and Measures Act, 1976 (60 of 1976), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Civil Supplies, Consumer Affairs and Public Distribution vide S. O. 2619, dated 30th August, 1996, namely :—

In the said notification, for paragraph four, the following paragraph substituted, namely :—

“Further in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with number of verification scale interval ‘n’ upto 10,000 ($n < 10,000$) and with ‘e’ value 1, 2, and 5 series, manufactured by same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.”

[F. No. WM-21 (62)/98]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 13 नवम्बर, 1998

फा. आ. 2381.—केन्द्रीय सरकार, बाट और माप मानक अधिनियम, 1976 (1976 का 60) की धारा 36 की उपधारा (7) और (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के नागरिक

पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय की अधिसूचना का. आ. 2620 तारीख 30 अगस्त 1996 में निम्नलिखित संशोधन करती है, अर्थात्, :—

उक्त अधिसूचना में पैरा 4 के स्थान पर निम्नलिखित पैरा रखा गया है, अर्थात् :—

“आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी, सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्माण 10,000 (एन < 10,000) तक के सत्यापन मापमान अंतराल “एन” की संख्या वाले और “ई” मान 1, 2, और 5 सिरीज वाले समरूप मेक, यथार्थता और उसी सिरीज के कार्यकरण वाले तोलन उपकरण भी हैं।”

[फा. सं. डबल्यू एम-21(62)/98]

पी. ए. कृष्णामूर्ति, निदेशक, विधि मापिकी

New Delhi, the 13th November, 1998

S. O. 2381.—In exercise of the powers conferred by sub-sections (7) and (12) of Section 36 of the Standards of Weights and Measures Act, 1976 (60 of 1976), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Civil Supplies, Consumer Affairs and Public Distribution vide S.O. 2620 Dated 30th August 1996, namely :—

In the said notification, for paragraph four, the following paragraph substituted, namely :—

“Further in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with number of verification scale interval ‘n’ upto 10,000 ($n < 10,000$) and with ‘e’ value 1, 2, and 5 series, manufactured by same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.”

[F. No. WM-21 (62)/98]

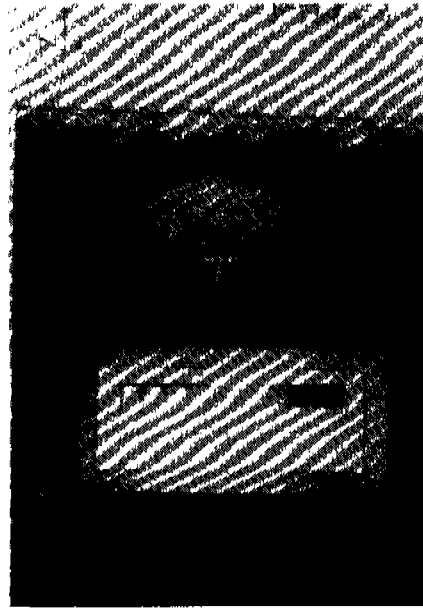
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 13 नवंबर, 1998

का.मा. 2382.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और संभावना यह है कि अविरत उपयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और परिवर्तित दशाओं में उपयुक्त सेवा देता रहेगा :

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वर्ग-III यथार्थता (मध्यम यथार्थता) वाले टाइप "सी एल पी" श्रृंखला के स्वतः सूचक, गैर स्वचालित इलैक्ट्रॉनिक प्लेट फार्म तुला मशीन के माडल का जिसका ब्राण्ड नाम "प्री टेक" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसका विनिर्माण मैसर्स प्रिंसाइस टेक्नो वेह इंक, सी-42 राजू पार्क, देवली रोड, नई दिल्ली-110062 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई एन डी 09/97/76 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल (आकृति देखें) मध्यम यथार्थता (यथार्थता वर्ग III) तुला यंत्र है, जिसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 5 ग्रा. है। इसमें एक आधेतुलन युक्ति है जिसका शतप्रतिशत व्यकलात्मक धारित प्रभाव है। उद्भारग्राही आयताकार है जिसकी भुजाएं पृष्ठ 4 के टिप्पण में उद्भार ग्राही के ब्यौरे में 350×300 मिलीमीटर के रूप में उपदर्शित हैं। द्रव्य स्फटिक संप्रदर्शन तुलन परिणाम उपदर्शित करता है। यंत्र 230 वोल्ट और 50 हर्टज आवृत्ति पर प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



(आकृति)

इसके अतिरिक्त केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषित करती है कि उक्त माडल के अनुमोदन प्रमाणपत्र के अन्तर्गत इसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और सामग्री जिससे अनुमोदित माडल का विनिर्माण किया गया है, के अनुसार विनिर्मित इसी श्रृंखला के समरूप मेक, शुद्धता और निष्पादन वाले 500 ग्रा./0.11 कि.ग्रा./0.2 ग्रा., 2 कि.ग्रा./0.5 ग्रा., 5 कि.ग्रा./1 ग्रा., 10 कि.ग्रा./2 ग्रा., 12 कि.ग्रा./2 ग्रा., 15 कि.ग्रा./2 ग्रा., 20 कि.ग्रा./5 ग्रा., 25 कि.ग्रा./5 ग्रा., 25 कि.ग्रा./5 ग्रा., 40 कि.ग्रा./5 ग्रा. और 50 कि.ग्रा./10 ग्रा. की अधिकतम क्षमता वाले तुलन यंत्र भी हैं।

[फा. सं. डब्ल्यू एम-21(31)/96]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

3012GL/98-5

New Delhi, the 13th November, 1998

S.O. 2382.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provision of the Standards of weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain the accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore in exercise of the powers conferred by sub-Section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic electronic table top weighing machine of type "PTW" series of class III accuracy (Medium accuracy) and with brand name "PRETECH" (hereinafter referred to as the Model) manufactured by M/s Precise Techno Weigh Inc, C-42, Raju Park, Dewli Road, New Delhi-110062, and which is assigned the approval mark IND/09/97/76;

The Model (see the figure) is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of rectangular section of sides 350 × 300 milimetre. The light emitting diode display indicates the weighing result. The instrument operates on 230 volts and frequently 50 Hertz, alternate current power supply.



(Figure)

Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 500g/0.1g, 1kg/0.2g, 2kg/0.5g, 5kg/1g, 10kg/2g, 12kg/2g, 15kg/2g, 20kg/5g, 25kg/5g, 40kg/5g and 50kg/10g manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[File No. WM 21(31)/96]

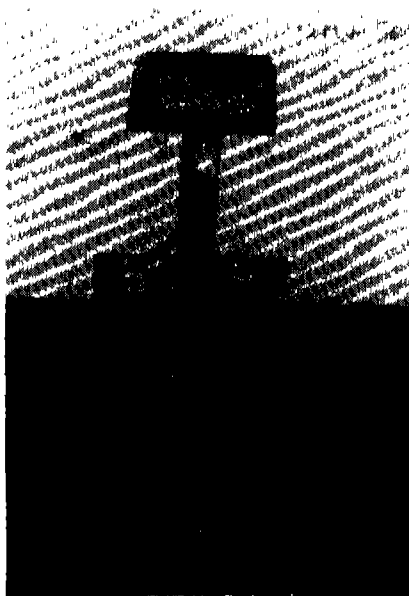
P.A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 13 नवंबर, 1998

का.आ. 2383.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखिए) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यथार्थता (मध्यम यथार्थता) वर्ग 3 की "पी टी डब्ल्यू" सिरीज टाइप के और "प्रीटेक" ब्रांड नाम वाले स्वतः सूचक गैर स्वचालित इलेक्ट्रॉनिक प्लेटफार्म तौलन मशीन के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैसर्स प्रिंसाइज टेक्नो व्हे इंफ, सी-42, राजू पार्क, देवली रोड, नई दिल्ली-110062 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई. एन. डी. 09/97/77 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल (आकृति देखिए) उस मध्यम यथार्थता (यथार्थता वर्ग 3) का तौलन उपकरण है जिसकी अधिकतम क्षमता 50 कि. ग्रा. और न्यूनतम क्षमता 200 ग्रा. है। सत्यापन मापमान अन्तर (ई) 10 ग्राम है। इसमें एक टेयर युक्ति है जिसका व्यकलनात्मक प्रतिधारण टेयर प्रभाव 100 प्रतिशत है। भारग्राही आयताकार सैक्शन का है जिसकी भुजाएं 300×400 मि.मी. हैं। प्रकाश उत्सर्जन डायोड संप्रदर्श तोल परिणाम उपदर्शित करता है। यह उपकरण 230 वोल्ट, और 50 हर्ट्ज आवृत्ति के प्रत्यावर्ती धारा विद्युत प्रदाय पर प्रचालित होता है।



(आकृति)

आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाणपत्र के अन्तर्गत उसी विनिर्माता द्वारा उसी सिद्धांत डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 30 कि.ग्रा./5 ग्रा., 100 कि.ग्रा./10 ग्रा., 120 कि.ग्रा./20 ग्रा., 150 कि.ग्रा./20 ग्रा., 200 कि.ग्रा./20 ग्रा., 300 कि.ग्रा./ 50 ग्रा., 500 कि. ग्रा./50 ग्रा. या 100 ग्राम, 1000 कि.ग्रा./100 ग्रा. और 2000 कि.ग्रा./200 ग्रा. की अधिकतम क्षमता वाले समरूप मेक, यथार्थता और उसी सिरीज के कार्यकरण वाले तौलन उपकरण भी हैं।

[फा. सं. डब्ल्यू एम-21(31)/96]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 13th November, 1998

S.O. 2383.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain the accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore in exercise of the powers conferred by sub-Section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic electronic platform weighing machine of type "PTW" series of class III accuracy (Medium accuracy) and with brand name "PRETECH" (hereinafter referred to as the Model) manufactured by M/s Precise Techno Weigh Inc, C-42, Raju Park, Dewli Road, New Delhi-110062, and which is assigned the approval mark IND/09/97/77;

The Model (see the figure) is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 50kg and minimum capacity of 200g. The verification scale interval (e) is 10 g. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of rectangular section of sides 300×400 milimetre. The light emitting diode display indicates the weighing result. The instrument operates on 230 volts and frequency 50 Hertz, alternate current power supply.



(Figure)

Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 30kg/5g, 100kg/10g, 120kg/20g, 150kg/20g, 200kg/20g, 300kg/50g, 500kg/50g, or 100g, 1000kg/100g and 2000kg/200g manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[File No. WM 21(31)/96]

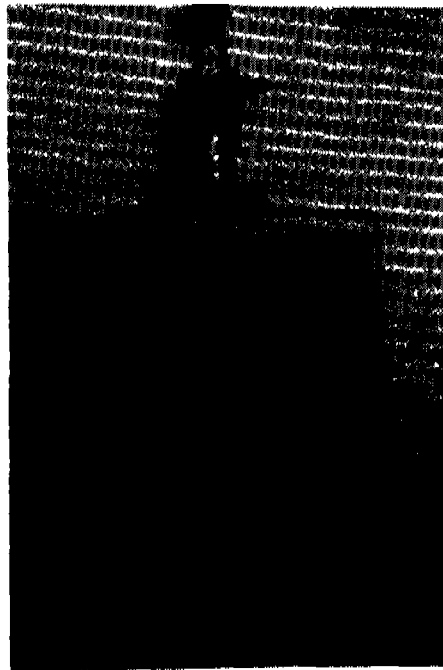
P.A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 13 नवम्बर, 1998

का.आ. 2384.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात् समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखिए) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और परिवर्तित दशाओं में उपयुक्त सेवा देता रहेगा,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वर्ग III यथार्थता (मध्यम यथार्थता) वाली 'डी सी एस-डब्ल्यू' श्रृंखला की स्वतः सूचक गैर स्वचालित इलेक्ट्रॉनिक क्रेन तुला मशीन के माडल का जिसका ब्रांड नाम "एटकी" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसका विनिर्माण मैसर्स एटकी इंडस्ट्रीज लिमिटेड, 5 ए, लालबानी इंडस्ट्रीयल स्टेड्स 14, जी.डी. अम्बेडकर रोड, बडाला, मुंबई-400031 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई. एन. डी/09/98/21 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल (आकृति देखिए) मध्यम यथार्थता (यथार्थतावर्ग III) तुला यंत्र है, जिसकी अधिकतम क्षमता 5000 किलोग्राम और न्यूनतम क्षमता 40 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 कि. ग्रा. इसमें एक आधेतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित प्रभाव है स्फटिक संप्रदर्शन तुलन परिणाम उपदर्शित करता है। यंत्र 220 वोल्ट और 50 हर्टज आवृत्ति पर प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



(आकृति)

आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण-पत्र के अन्तर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित माडल का विनिर्माण किया गया है, के अनुसार विनिर्मित इसी श्रृंखला के समरूप मेक, शुद्धता और निष्पादन वाले अधिकतम क्षमता वाले तुलन यंत्र भी हैं जिन के सत्यापन मापमान अंतराल की अधिनियम सं. (एन) 10,000 से कम या समतुल्य है (एन<10,000) और जिसका "ई" मूल्य 1, 2, 5, श्रृंखला है।

[फा. सं. डब्ल्यू एम-21(34)/97]

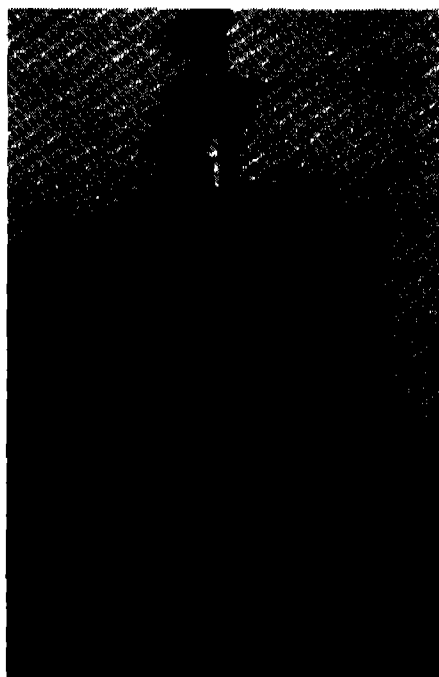
पी. ए. कृष्णामूर्ति, निदेशक, विधि मापिकी

New Delhi, the 13th November, 1998

S.O. 2384.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain the accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic electronic crane weighing machine of 'D.C.S.W' of class III accuracy (Medium accuracy) and with brand name "ATCO" (hereinafter referred to as the Model) manufactured by M/s ATCO Industries Ltd., 6A, Lalwani Industrial States 14, G.D. Ambedkar Road, Wadala, Mumbai-400031, and which is assigned the approval mark IND/09/98/21 ;

The said Model (see the figure) is medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 5000 kg and minimum capacity of 40kg. The verification scale interval (e) is 2 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The LED display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz, alternate current power supply.



(Figure)

Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum number of verification Scale interval (n) less than or equal to ($n \leq 10,000$) and 'e' value of 1, 2, 5 series,] manufactured by same manufacturer in accordance with the same principle, design and with the same material with which, the approved Model has been manufactured.

[File No. WM 21 (34)/97]

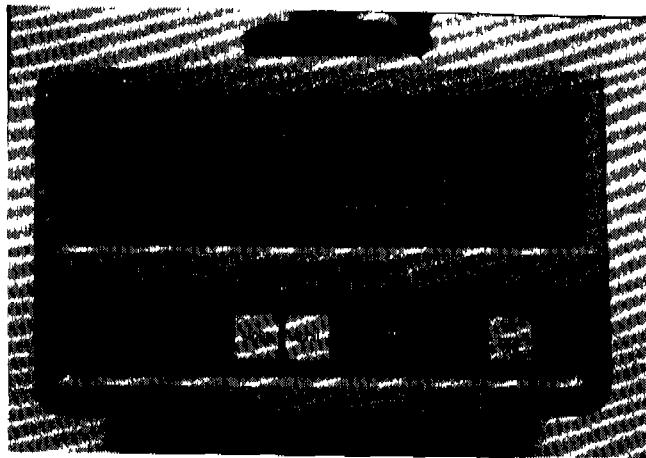
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 13 नवम्बर, 1998

का.आ. 2385.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात् समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और संभावना यह है कि अविरत उपयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और परिवर्तित दशाओं में उपयुक्त सेवा देता रहेगा ;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वर्ग III यथार्थता (मध्यम यथार्थता) वाली 'एल एम एस-डब्ल्यू' श्रृंखला के स्वतः सूचक गैर स्वचालित इलेक्ट्रॉनिक हाऊसिंग तुला स्कैल के माडल का जिसका ब्रांड नाम "एटको" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसका विनिर्माण मैसर्स एटको इंडस्ट्रीज लिमिटेड, 6ए, लालवानी इंडस्ट्रीयल स्टेट्स 14, बी. डी. अम्बेडकर रोड, बडाला, मुंबई-400031 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई. एन. डी 09/98/22 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल (आकृति देखिए) मध्यम यथार्थता (यथार्थता वर्ग III) तुला, यंत्र है, जिसकी अधिकतम क्षमता 60 कि.ग्रा. और न्यूनतम क्षमता 400 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 20 ग्रा. इसमें एक आधेतुलन युक्ति है जिसका शतप्रतिशत व्यकलनात्मक धारित प्रभाव है द्रव स्फटिक संप्रदर्शन तुलन परिणाम उपदर्शित करता है। यंत्र 220 वोल्ट और 50 हर्टज आवृत्ति पर प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



(आकृति)

इसके अतिरिक्त केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषित करती है कि माडल के अनुमोदन प्रमाण पत्र के अन्तर्गत इसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और सामग्री, जिससे अनुमोदित माडल का विनिर्माण किया गया है, के अनुसार विनिर्मित इसी श्रृंखला के समरूप मेक, शुद्धता और निष्पादन वाले अधिकतम क्षमता वाले तुलन यंत्र भी हैं जिनके सत्यापन मापमान अन्तराल की अधिकतम सं.(एन)10,000 से कम या समतुल्य है (एन<10,000) और जिनका "ई" मूल्य 1, 2, 5, श्रृंखला का है।

[फा. सं. डब्ल्यू एम-21(34)/97]

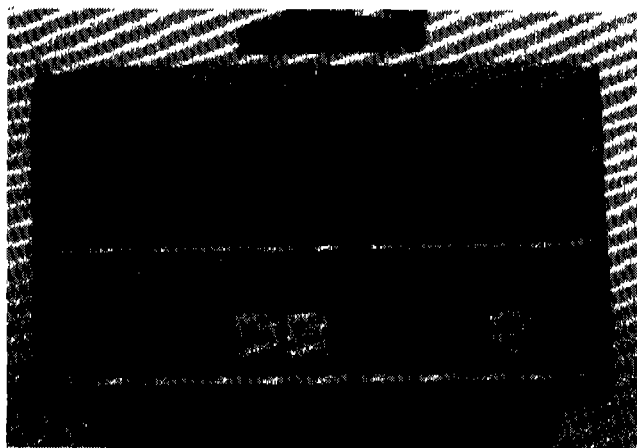
पी. ए. कृष्णामूर्ति, निदेशक, विधि माप विज्ञान

New Delhi, the 13th November, 1998

S.O. 2385.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain the accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of self-indicating, non-automatic electronic Housing weighing scales of 'L..HS..W' series of class III accuracy (Medium accuracy) and with brand name "ATCO" (hereinafter referred to as the Model) manufactured by M/s ATCO Industries Ltd., 6A, Lalwani Industrial States 14, G.D. Ambedkar Road, Wadala, Mumbai-400031, and which is assigned the approval mark IND/09/98/22 ;

The said Model (see the figure) is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 60 kg and minimum capacity of 400 g. The verification scale interval (e) is 20 g. The ELD display indicates the weighing result. The instrument operates on 220 volts, 50 Hertz, alternate current power supply.



(Figure)

Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum number of verification Scale interval (n) less than or equal to 10,000 ($n \leq 10,000$) and with 'e' value of 1, 2, 5 series, manufactured by the same manufacturer in accordance with the same principle, design and with the same material with which, the approved Model has been manufactured.

[File No. WM 21 (34)/97]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 17 नवम्बर, 1998

का. आ. 2386.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान राज्य में कांडला-जामनगर-लोनी पाइपलाइन के माध्यम से तरल पेट्रोलियम गैस के परिवहन के लिए गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए,

और कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जित करना आवश्यक है,

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से 21 (इक्कीस) दिनों के भीतर, उसमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप, लिखित रूप में सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, कांडला-जामनगर-लोनी पाइपलाइन परियोजना, बी-21ए, पहली मंजिल, शिव मार्ग, बनी पार्क, जयपुर (राजस्थान) को कर सकेगा।

अनुसूची

जिला	तहसील	ग्राम	प्लॉट संख्या	उ.का.अ.के लिए अर्जित की जाने वाली भूमि (हेक्टेयर में)
1	2	3	4	5
अजमेर	नसीराबाद	कनपुरा	434	0.0079
			433	0.0633
			432	0.0871
			431	0.0316
			435	0.0475
			429	0.1188
			437	0.0712
			438	0.0712
			439	0.0158
			440	0.0475
			441	0.0475

			404	0.1346
			422	0.0316
			405	0.0040
			408	0.0712
			410	0.1346
			409	0.0871
			411	0.1188
			419	0.4276
			418	0.1442
			774	0.0158
			759	0.1742
			758	0.0792
			757	0.0396
			756	0.0316
			679	0.0237
			693	0.1029
			694	0.0316
			692	0.0712
			691	0.0237
			690	0.2296
			689	0.0316
			1077	0.0792
			1083	0.0316
			1072	0.0079
			1075	0.0712
			1074	0.0158
			1076	0.4514
			1084	0.0158
			1163	0.0158
			1303	0.2059
			1302	0.0316
			1168	0.1821
			1169	0.0316
			1301	0.0158
			1299	0.6098
			1297	0.0792
			1296	0.1663
			1352	0.0396
			1353	0.0237
			1394	0.1584
			1365	0.6732

			1441	0.0554
			1483	0.1108
			1482	0.1267
			1465	0.0633
			1466	0.1108
			1462	0.1108
			1460	0.0158
			1467	0.0475
			1458	0.2613
			1456	0.0316
			1455	0.0554
			1900	0.0633
			1906	0.3405
			1905	0.1108
			1913	0.1900
			1904	0.0237
			1915	0.0633
			1916	0.1584
			1938	0.1584
			1940	0.0554
			कुल	7.6769

	रामपुरा	749	0.0475
	(अहीरन)	750	0.1742
		748	0.0633
		751	0.095
		752	0.1346
		755	0.0237
		756	0.0792
		757	0.0554
		761	0.0317
		762	0.0237
		763	0.0475
		760	0.0158
		764	0.0237
		765	0.0158
		766	0.0475
		767	0.0554
		783	0.0396
		824	0.095
		821	0.0396
		822	0.0633
		820	0.002
		823	0.0712

			791	0.0158
			917	0.0633
			916	0.348
			904	0.0237
			829	0.0237
			830	0.1188
			831	0.0712
			835	0.0871
			832	0.0237
			834	0.1346
			837	0.0792
			838	0.0554
			839	0.0158
			854	0.0712
			871	0.0237
			870	0.1188
			868	0.0712
			867	0.0316
			866	0.0871
			865	0.0079
			860	0.0158
			861	0.0792
			863	0.0237
			842	0.0158
			645	0.095
			646	0.0079
			644	0.002
			585	0.2534
			584	0.0316
			543	0.0475
			545	0.0712
			544	0.2217
			546	0.0316
			539	0.0237
			549	0.1742
			537	0.3802
			523	0.3088
			522	0.0237
			521	0.1267
			520	0.0237
			कुल	4.6772
		दिलवाडी	337	0.0396
			335	0.0633
			317	0.0237

			316	0.1663
			305	0.095
			306	0.0475
			307	0.0475
			308	0.0158
			309	0.1276
			310	0.0316
			311	0.0079
			300	0.004
			312	0.1108
			284	0.0158
			283	0.0554
			281	0.095
			280	0.0237
			275	0.1188
			276	0.0554
			274	0.002
			243	0.0492
			241	0.19
			240	0.1346
			232	0.0554
			233	0.2534
			228	0.0792
			224	0.1504
			223	0.002
			220	0.1346
			219	0.0316
			215	0.1188
			216	0.002
			213	0.1584
			214	0.0633
			210	0.002
			202	0.0237
			203	0.1108
			201	0.0316
			200	0.1346
			205	0.004
			195	0.2296
			192	0.1188
			193	0.0237
			191	0.1108
			190	0.0316
			181	0.0079
			182	0.0475

			126	0.0158
			125	0.0316
			103	0.0712
			102	0.0396
			105	0.0396
			104	0.0633
			106	0.0079
			108	0.002
			109	0.0792
			110	0.1584
			674/1216	0.0633
			725	0.0158
			726	0.0475
			727	0.0475
			728	0.0871
			720	0.1267
			721	0.0079
			719	0.0237
			718	0.0316
			702	0.1029
			703	0.0871
			704	0.0475
			705	0.0316
			694	0.1029
			696	0.095
			695	0.0712
			691	0.0554
			692	0.237
			कुल	5.2371
		दिलवाडी	77	0.0158
			78	0.004
			76	0.0316
			75	0.095
			74	0.0158
			73	0.0871
			72	0.0237
			70	0.0396
			69	0.1108
			67	0.095
			65	0.0871
			64	0.0396
			60	0.002
			61	0.1188
			59	0.1188

			58	0.1108
			48	0.1347
			56	0.0237
			49	0.1267
			50	0.0396
			15	0.1267
			16	0.0475
			9	0.095
			22	0.002
			8	0.0475
			23	0.0316
			7	0.0554
			28	0.095
			कुल	1.8209
		तिहारी	126	0.4196
			12	0.1108
			13	0.1188
			11	0.0316
			10	0.0475
			14	0.1425
			17	0.0039
			16	0.0792
			19	0.0475
			20	0.0237
			6	0.0792
			21	0.1197
			26	0.1346
			27	0.0554
			1	0.1584
			49	0.002
			50	0.2138
			51	0.0079
			52	0.1346
			53	0.0158
			54	0.0475
			कुल	1.994
		जलावदा	1581	0.0633
			1580	0.0792
			1578	0.0237
			1572	0.002
			1573	0.0158
			1574	0.0158
			1566	0.0396
			1565	0.1742

			1486	0.0871
			1485	0.0396
			1484	0.0316
			1558	0.0158
			1557	0.0712
			1556	0.0475
			1555	0.0158
			1551	0.0396
			1550	0.0633
			1545	0.1346
			1544	0.0237
			1546	0.0079
			1539	0.0316
			1540	0.0792
			1530	0.0079
			1525	0.0475
			1526	0.0079
			1524	0.0316
			1527	0.0792
			1509	0.0316
			1510	0.0475
			कुल	1.3553
		बलवन्ता	603	0.0158
			604	0.0633
			605	0.0792
			607	0.0158
			609	0.1029
			610	0.0792
			597	0.0871
			596	0.1188
			635	0.0554
			652	0.095
			650	0.0475
			649	0.1584
			648	0.0237
			647	0.0712
			2125	0.002
			2126	0.004
			2127	0.0792
			2129	0.0158
			2130	0.0316
			2131	0.0396
			2121	0.0237
			2122	0.1108

			2104	0.0475
			2107	0.4574
			1985	0.004
			1984	0.0396
			1983	0.1715
			1982	0.0158
			1981	0.0237
			1942	0.002
			1843	0.0792
			1844	0.0237
			1845	0.0475
			1850	0.3643
			1852	0.0158
			1862	0.0237
			1863	0.0158
			1864	0.095
			1865	0.1108
			1866	0.0237
			1867	0.0949
			1921	0.0633
			1920	0.0237
			1893	0.0554
			1898	0.1025
			1899	0.0554
			1897	0.002
			1902	0.0237
			1903	0.0554
			1904	0.1029
			1905	0.0316
			1906	0.0554
			1907	0.1425
			1909	0.1029
			1910	0.002
			1646	0.002
			1648	0.0792
			1655	0.002
			1654	0.002
			1652	0.0712
			1650	0.095
			1649	0.0316
			1615	0.0316
			1614	0.0237
			1613	0.0237
			1608	0.0316

			1607	0.0554
			1601	0.0237
			1592	0.1108
			1591	0.0871
			1570	0.1504
			1571	0.0237
			1572	0.095
			1575	0.0316
			कुल	4.7659
कुल योग				27.5273

[एल-14014/9/98-जी.पी.]

आई. एस. एन. प्रसाद, उप सचिव

New Delhi, 17th November, 1998

S.O. 2386.— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of Liquid Petroleum Gas through Kandla – Jamnagr – Loni Pipeline in Rajasthan State, pipeline should be laid by the Gas Authority of India Limited;

AND WHEREAS it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipelines under the land to the competent authority, Gas Authority of India Limited, Kandla – Jamnagar – Loni Pipeline Project, B-21-A, First Floor, Shiv Marg, Bani Park, Jaipur (Rajasthan).

SCHEDULE

DISTT	MANDAL/ TEHSIL	VILLAGE	PLOT NO.	LAND TO BE ACQUIRED FOR ROU (IN HECT).
Ajmer	Nasirabad	Kanpura	434	0.0079
			433	0.0633
			432	0.0871
			431	0.0316
			435	0.0475
			429	0.1188
			437	0.0712
			438	0.0712
			439	0.0158
			440	0.0475
			441	0.0475
			404	0.1346
			422	0.0316
			405	0.0040
			408	0.0712
			410	0.1346
			409	0.0871

	411	0.1188
	419	0.4276
	418	0.1442
	774	0.0158
	759	0.1742
	758	0.0792
	757	0.0396
	756	0.0316
	679	0.0237
	693	0.1029
	694	0.0316
	692	0.0712
	691	0.0237
	690	0.2296
	689	0.0316
	1077	0.0792
	1083	0.0316
	1072	0.0079
	1075	0.0712
	1074	0.0158
	1076	0.4514
	1084	0.0158
	1163	0.0158
	1303	0.2059
	1302	0.0316
	1168	0.1821
	1169	0.0316
	1301	0.0158
	1299	0.6098
	1297	0.0792
	1296	0.1663
	1352	0.0396
	1353	0.0237
	1394	0.1584
	1365	0.6732
	1441	0.0554
	1483	0.1108
	1482	0.1267
	1465	0.0633
	1466	0.1108
	1462	0.1108
	1460	0.0158
	1467	0.0475
	1458	0.2613
	1456	0.0316
	1455	0.0554
	1900	0.0633
	1906	0.3405
	1905	0.1108
	1913	0.1900
	1904	0.0237
	1915	0.0633
	1916	0.1584
	1938	0.1584
	1940	0.0554
	<u>Total</u>	<u>7.6769</u>
		अनुसूची-3

	Rampura	749	0.0475
	(Ahiran	750	0.1742
		748	0.0633
		751	0.095
		752	0.1346
		755	0.0237
		756	0.0792
		757	0.0554
		761	0.0317
		762	0.0237
		763	0.0475
		760	0.0158
		764	0.0237
		765	0.0158
		766	0.0475
		767	0.0554
		783	0.0396
		824	0.095
		821	0.0396
		822	0.0633
		820	0.002
		823	0.0712
		791	0.0158
		917	0.0633
		916	0.348
		904	0.0237
		829	0.0237
		830	0.1188
		831	0.0712
		835	0.0871
		832	0.0237
		834	0.1346
		837	0.0792
		838	0.0554
		839	0.0158
		854	0.0712
		871	0.0237
		870	0.1188
		868	0.0712
		867	0.0316
		866	0.0871
		865	0.0079
		860	0.0158
		861	0.0792
		863	0.0237
		842	0.0158
		645	0.095
		646	0.0079
		644	0.002

			585	0.2534
			584	0.0316
			543	0.0475
			545	0.0712
			544	0.2217
			546	0.0316
			539	0.0237
			549	0.1742
			537	0.3802
			523	0.3088
			522	0.0237
			521	0.1267
			520	0.0237
			Total	4.6772
		Dilwadi	337	0.0396
			335	0.0633
			317	0.0237
			316	0.1663
			305	0.095
			306	0.0475
			307	0.0475
			308	0.0158
			309	0.1276
			310	0.0316
			311	0.0079
			300	0.004
			312	0.1108
			284	0.0158
			283	0.0554
			281	0.095
			280	0.0237
			275	0.1188
			276	0.0554
			274	0.002
			243	0.0492
			241	0.19
			240	0.1346
			232	0.0554
			233	0.2534
			228	0.0792
			224	0.1504
			223	0.002
			220	0.1346
			219	0.0316
			215	0.1188
			216	0.002
			213	0.1584
			214	0.0633
			210	0.002

			202	0.0237
			203	0.1108
			201	0.0316
			200	0.1346
			205	0.004
			195	0.2296
			192	0.1188
			193	0.0237
			191	0.1108
			190	0.0316
			181	0.0079
			182	0.0475
			126	0.0158
			125	0.0316
			103	0.0712
			102	0.0396
			105	0.0396
			104	0.0633
			106	0.0079
			108	0.002
			109	0.0792
			110	0.1584
		674/1216		0.0633
			725	0.0158
			726	0.0475
			727	0.0475
			728	0.0871
			720	0.1267
			721	0.0079
			719	0.0237
			718	0.0316
			702	0.1029
			703	0.0871
			704	0.0475
			705	0.0316
			694	0.1029
			696	0.095
			695	0.0712
			691	0.0554
			692	0.237
		<i>Total</i>		5.2371
	Dilwada		77	0.0158
			78	0.004
			76	0.0316
			75	0.095
			74	0.0158
			73	0.0871
			72	0.0237
			70	0.0396

			69	0.1108
			67	0.095
			65	0.0871
			64	0.0396
			60	0.002
			61	0.1188
			59	0.1188
			58	0.1108
			48	0.1347
			56	0.0237
			49	0.1267
			50	0.0396
			15	0.1267
			16	0.0475
			9	0.095
			22	0.002
			8	0.0475
			23	0.0316
			7	0.0554
			28	0.095
			Total	1.8209
		Tihari	126	0.4196
			12	0.1108
			13	0.1188
			11	0.0316
			10	0.0475
			14	0.1425
			17	0.0039
			16	0.0792
			19	0.0475
			20	0.0237
			6	0.0792
			21	0.1197
			26	0.1346
			27	0.0554
			1	0.1584
			49	0.002
			50	0.2138
			51	0.0079
			52	0.1346
			53	0.0158
			54	0.0475
			Total	1.994
		Jalavada	1581	0.0633
			1580	0.0792
			1578	0.0237
			1572	0.002
			1573	0.0158
			1574	0.0158

			1588	0.0396
			1585	0.1742
			1486	0.0871
			1485	0.0396
			1484	0.0316
			1558	0.0158
			1557	0.0712
			1556	0.0475
			1555	0.0158
			1551	0.0396
			1550	0.0633
			1545	0.1346
			1544	0.0237
			1546	0.0079
			1539	0.0316
			1540	0.0792
			1530	0.0079
			1525	0.0475
			1526	0.0079
			1524	0.0316
			1527	0.0792
			1509	0.0316
			1510	0.0475
			Total	1.3553
		Balwanta	603	0.0158
			604	0.0633
			605	0.0792
			607	0.0158
			609	0.1029
			610	0.0792
			597	0.0871
			596	0.1188
			635	0.0554
			652	0.095
			650	0.0475
			649	0.1584
			648	0.0237
			647	0.0712
			2125	0.002
			2126	0.004
			2127	0.0792
			2129	0.0158
			2130	0.0316
			2131	0.0396
			2121	0.0237
			2122	0.1108
			2104	0.0475
			2107	0.4574
			1985	0.004

			1984	0.0396
			1983	0.1715
			1982	0.0158
			1981	0.0237
			1942	0.002
			1843	0.0792
			1844	0.0237
			1845	0.0475
			1850	0.3643
			1852	0.0158
			1862	0.0237
			1863	0.0158
			1864	0.095
			1865	0.1108
			1866	0.0237
			1867	0.0949
			1921	0.0633
			1920	0.0237
			1893	0.0554
			1898	0.1025
			1899	0.0554
			1897	0.002
			1902	0.0237
			1903	0.0554
			1904	0.1029
			1905	0.0316
			1906	0.0554
			1907	0.1425
			1909	0.1029
			1910	0.002
			1646	0.002
			1648	0.0792
			1655	0.002
			1654	0.002
			1652	0.0712
			1650	0.095
			1649	0.0316
			1615	0.0316
			1614	0.0237
			1613	0.0237
			1608	0.0316
			1607	0.0554
			1601	0.0237
			1592	0.1108
			1591	0.0871
			1570	0.1504
			1571	0.0237
			1572	0.095
			1575	0.0316
				4.7659
		G.Total		27.5273

[L-14014/9/98-G.P.]

I. S. N. Prasad, Dy. Secy.

नई दिल्ली, 17 नवम्बर, 1998

का. आ. 2387.— केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान राज्य में कांडला-जामनगर-लोनी पाइपलाइन के माध्यम से तरल पेट्रोलियम गैस के परिवहन के लिए गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए,

और कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उगाबद्ध अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जित करना आवश्यक है,

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से 21 (इक्कीस) दिनों के भीतर, उसमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप, लिखित रूप में सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, कांडला-जामनगर-लोनी पाइपलाइन परियोजना, बी-21ए, पहली मंजिल, शिव मार्ग, बनी पार्क, जयपुर (राजस्थान) को कर सकेगा।

अनुसूची

जिला	तहसील	ग्राम	प्लॉट संख्या	उ.का.अ.के. लिए अर्जित की जाने वाली भूमि (हेक्टेयर में)
1	2	3	4	5
अलवर	बंसूर	बामदयाल	94	0.2138
			94/396	
			95	0.3505
			95/390	
			96	0.3822
			97	
			329	0.1684
			330	
			404/326	0.1426
			405/326	
			325	0.1446

		327	0.0010
		323	0.0237
		322	0.1288
		317	0.1109
		316	0.1267
		339/338	0.0158
		315	0.1763
		314	0.0237
		312	0.2080
		310	0.0020
		311	0.1526
		305	0.0120
		306	0.0015
		302	0.0396
		350	0.0025
		351	0.2476
		352	0.1684
		353	0.208
		354	0.1684
		370	0.095
		355	0.001
		356	0.1367
		357	0.0792
		358	0.208
		359	0.1526
		377	0.0079
		कुल	4.3797
	बन्सूर	299	0.1753
		300	0.002
		898	0.05
		899	0.2238
		891	0.0015
		888	0.3289
		887	0.008
		883	0.0317
		884	0.1842
		882	0.0277
		881	0.1209
		880	0.1407
		879	0.1198
		855	0.001
		856	0.008
		842	0.1336
		845	0.0871

			846	0.103
			847	0.01
			848	0.001
			785	0.0475
			773	0.7892
			774	0.0345
			625	0.7128
			627	0.5069
			1420	0.1188
			1421	0.2693
			1446	0.0133
			1415	0.0025
		कुल		4.253
	बठिया बास		48	0.879
			113	0.099
			110	0.0158
			111	0.0969
			112	0.0316
			116	0.0197
			208	0.005
			207	0.0396
			206	0.0158
			193	0.0158
			194	0.095
			195	0.0025
			192	0.0118
			191	0.095
			190	0.0792
			187	0.0276
			186	0.005
			199	0.0633
			177	0.1005
			180	0.0871
			167	0.0276
			168,170	0.0713
			162	0.1188
			138	0.0197
			139	0.0742
			136	0.005
			140	0.0871
			141	0.005
			142	0.1345
		कुल		2.3284
	भाद भाव सिंह		13	0.3037

			14	0.0079
			12	0.0158
			10	0.2713
			9	0.2476
			7	0.1476
			6	0.0713
			5	0.0792
			4	0.0554
			3	0.0396
			2	0.0257
			8	0.0257
			कुल	1.2988
	खेड़ा श्यामपुर		1241	0.8813
			1276	0.2376
			1275	0.1663
			1283	0.3693
			1282	0.005
			1287	0.3722
			1288	0.34
			1289	0.4931
			2210	0.01
			2206	0.1
			2207	0.1376
			2204	0.2632
			2183	0.2872
			2170	0.0682
			2168	0.003
			2167	0.0198
			2171	0.0598
			2165	0.0237
			2166	0.0792
			2142	0.1069
			2141	0.103
			2140	0.099
			2131	0.255
			2132	0.0025
			2113	0.2376
			2114	0.1346
			2115	0.0792
			2081	0.0015
			2064	0.1584
			2063	0.1396
			2061	0.0712
			2065	0.001

			2066	0.1584
			2070	0.1242
			2050	0.0025
			2049	0.1425
			2048	0.1267
			1896	0.0475
			1897	0.3484
			1895	0.0396
			1816	0.0198
			1898	0.0767
			1899	0.0025
			1906	0.0792
			1904	0.198
			1905	0.001
			1908	0.0158
			1909	0.1574
			1910	0.001
			1733	0.0396
			1912	0.3643
		हम		7.2468
		चिप्यारी	252	0.0158
			255	0.0792
			254	0.095
			247	0.0475
			262	0.001
			264	0.0307
			265	0.1188
			266	0.0792
			267	0.0396
			269	0.1663
			317	0.0396
			316	0.0079
			280	0.0317
			278	0.0079
			314	0.198
			313	0.0039
			296	0.2376
			295	0.0475
			297	0.0158
			298	0.2534
			299	0.0079
			291	0.1267
			292	0.0554
			289	0.0712

		170	0.0237
		367/4	0.1267
		403	0.0554
		402/3	0.0759
		169	0.0158
		377	0.0158
		378	0.1584
		380	0.0633
		381	0.1109
		382	0.0396
		383	0.5069
		391	0.0079
		कुल	2.9779
	मांड़ी	226	0.1426
		227	0.0396
		225	0.2654
		224	0.1901
		199	0.0025
		223	0.1359
		202	0.1505
		203	0.1476
		204	0.0238
		206	0.1117
		207	0.1158
		210	0.1317
		कुल	1.4572
	लालपुरा	234	0.0985
		235	0.06
		233	0.0626
		232	0.2426
		231	0.0396
		230	0.026
		229	0.129
		223	0.0988
		224	0.005
		222	0.0723
		221	0.1446
		220	0.0792
		216	0.1684
		217	0.0485
		215	0.0475
		कुल	1.3226
	लालपुरा	315	0.0079
		438	0.1108

			437	0.0792
			440	0.1269
			436	0.004
			440/449	0.095
			442	0.0039
			443	0.0792
			434	0.1505
			432	0.1267
			431	0.0396
			430	0.095
			कुल	0.9187
	गवारा		69	0.3247
			68	0.5845
			85	0.2138
			86	0.1425
			88	0.0158
			87	0.1821
			90	0.0633
			108	0.386
			109	0.008
			107	0.1267
			106	0.1505
			119	0.4493
			120	0.005
			123	0.1668
			124	0.15
			121	0.001
			128	0.19
			131	0.0396
			कुल	3.1996
	चैनपुरा		334	0.004
			332	0.0564
			331	0.0604
			335	0.012
			336	0.0238
			328	0.1388
			327	0.0125
			326	0.0871
			325	0.0158
			321	0.0025
			320	0.0683
			319	0.0554
			318	0.0158
			339	0.1696

			296	0.2872
			297	0.0118
			295	0.0712
			294	0.0792
			209	0.002
			284	0.0166
			283	0.0079
			282	0.105
			281	0.02
			285	0.0802
			286	0.108
			280	0.0317
			279	0.1129
			263	0.0713
			278	0.0871
			264	0.1684
			259	0.599
			कुल	2.5819
			कुल योग	31.9646

[एल-14014/9/98-जी.पी.]

आई. एस. एन. प्रसाद, उप सचिव

New Delhi, 17th November, 1998

S.O. 2387.— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of Liquid Petroleum Gas through Kandla – Jamnagr – Loni Pipeline in Rajasthan State, pipeline should be laid by the Gas Authority of India Limited;

AND WHEREAS it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipelines under the land to the competent authority, Gas Authority of India Limited, Kandla – Jamnagar – Loni Pipeline Project, B-21-A, First Floor, Shiv Marg, Bani Park, Jaipur (Rajasthan).

SCHEDULE

DISTT	MANDAL	VILLAGE	PLOT NO.	LAND TO BE ACQUIRED FOR ROU (IN HECT).
Alwar	Bansur	Bas Dyal	94 }	0.2138
			94/396 }	
			95 }	0.3505
			95/390 }	
			96 }	0.3822
			97 }	0.4772
			329 }	0.1684
			330 }	0.0025
			404/326 }	0.1426
			405/326 }	
			325 }	0.1446
			327 }	0.0010
			323 }	0.0237
			322 }	0.1288
			317 }	0.1109
			316 }	0.1267
			339/388 }	0.0158
			315 }	0.1763
			314 }	0.0237
			312 }	0.2080
			310 }	0.0020
			311 }	0.1526
			305 }	0.0120
			306 }	0.0015

			302	0.0396
			350	0.0025
			351	0.2476
			352	0.1684
			353	0.208
			354	0.1684
			370	0.095
			355	0.001
			356	0.1367
			357	0.0792
			358	0.208
			359	0.1526
			377	0.0079
			Total	4.3797
	Bansur		299	0.1753
			300	0.002
			898	0.05
			899	0.2238
			891	0.0015
			888	0.3289
			887	0.008
			883	0.0317
			884	0.1842
			882	0.0277
			881	0.1209
			880	0.1407
			879	0.1198
			855	0.001
			856	0.008
			842	0.1336
			845	0.0871
			846	0.103
			847	0.01
			848	0.001
			785	0.0475
			773	0.7892
			774	0.0345
			625	0.7128
			627	0.5069
			1420	0.1188
			1421	0.2893
			1446	0.0133
			1415	0.0025
			Total	4.253
	Bachiya Bass		48	0.879
			113	0.099
			110	0.0158
			111	0.0969

		112	0.0316
		116	0.0197
		208	0.005
		207	0.0396
		206	0.0158
		193	0.0158
		194	0.095
		195	0.0025
		192	0.0118
		191	0.095
		190	0.0792
		187	0.0276
		186	0.005
		199	0.0833
		177	0.1005
		180	0.0871
		167	0.0276
		168,170	0.0713
		162	0.1188
		138	0.0197
		139	0.0742
		136	0.005
		140	0.0871
		141	0.005
		142	0.1345
		Total	2.3284
	Bhad Bhawsingh	13	0.3037
		14	0.0079
		12	0.0158
		10	0.2713
		9	0.2476
		7	0.1476
		6	0.0713
		5	0.0792
		4	0.0554
		3	0.0396
		2	0.0257
		8	0.0257
		Total	1.2988
	Khera Shyampur	1241	0.8813
		1276	0.2376
		1275	0.1663
		1283	0.3693
		1282	0.005
		1287	0.3722
		1288	0.34
		1289	0.4931
		2210	0.01
		2206	0.1

			2207	0.1376
			2204	0.2632
			2183	0.2872
			2170	0.0682
			2168	0.003
			2167	0.0198
			2171	0.0598
			2165	0.0237
			2166	0.0792
			2142	0.1069
			2141	0.103
			2140	0.099
			2131	0.255
			2132	0.0025
			2113	0.2376
			2114	0.1346
			2115	0.0792
			2081	0.0015
			2064	0.1584
			2063	0.1396
			2061	0.0712
			2065	0.001
			2066	0.1584
			2070	0.1242
			2050	0.0025
			2049	0.1425
			2048	0.1267
			1896	0.0475
			1897	0.3484
			1895	0.0396
			1816	0.0198
			1898	0.0767
			1899	0.0025
			1906	0.0792
			1904	0.198
			1905	0.001
			1908	0.0158
			1909	0.1574
			1910	0.001
			1733	0.0396
			1912	0.3643
			Total	7.2468
	Chhipari		252	0.0158
			255	0.0792
			254	0.095
			247	0.0475
			262	0.001
			264	0.0307
			265	0.1188

			266	0.0792
			267	0.0396
			269	0.1663
			317	0.0396
			318	0.0079
			280	0.0317
			278	0.0079
			314	0.198
			313	0.0039
			296	0.2376
			295	0.0475
			297	0.0158
			298	0.2534
			299	0.0079
			291	0.1267
			292	0.0554
			289	0.0712
			170	0.0237
			367/4	0.1267
			403	0.0554
			402/3	0.0759
			169	0.0158
			377	0.0158
			378	0.1584
			380	0.0633
			381	0.1109
			382	0.0396
			383	0.5069
			391	0.0079
			<i>Total</i>	2.9779
		Mandi	226	0.1426
			227	0.0396
			225	0.2654
			224	0.1901
			199	0.0025
			223	0.1359
			202	0.1505
			203	0.1476
			204	0.0238
			206	0.1117
			207	0.1158
			210	0.1317
			<i>Total</i>	1.4572
		Lalpura	234	0.0985
			235	0.06
			233	0.0626
			232	0.2426
			231	0.0396
			230	0.026

			229	0.129
			223	0.0988
			224	0.005
			222	0.0723
			221	0.1446
			220	0.0792
			216	0.1684
			217	0.0485
			215	0.0475
			Total	1.3226
		Ladpura	315	0.0079
			438	0.1108
			437	0.0792
			440	0.1269
			436	0.004
			440/449	0.095
			442	0.0039
			443	0.0792
			434	0.1505
			432	0.1267
			431	0.0396
			430	0.095
			Total	0.9187
		Guwara	69	0.3247
			68	0.5845
			85	0.2138
			86	0.1425
			88	0.0158
			87	0.1821
			90	0.0633
			108	0.386
			109	0.008
			107	0.1267
			106	0.1505
			119	0.4493
			120	0.005
			123	0.1668
			124	0.15
			121	0.001
			128	0.19
			131	0.0396
			Total	3.1996
		Chainpura	334	0.004
			332	0.0564
			331	0.0604
			335	0.012
			336	0.0238
			328	0.1388
			327	0.0125

			326	0.0871
			325	0.0158
			321	0.0025
			320	0.0683
			319	0.0554
			318	0.0158
			339	0.1696
			296	0.2872
			297	0.0118
			295	0.0712
			294	0.0792
			209	0.002
			284	0.0166
			283	0.0079
			282	0.105
			281	0.02
			285	0.0802
			286	0.108
			280	0.0317
			279	0.1129
			263	0.0713
			278	0.0871
			264	0.1684
			259	0.599
			Total	2.5819
			GRAND TOTAL	31.9646

[L-14014/9/98-G.P.]

I. S. N. Prasad, Dy. Secy.

श्रम मंत्रालय

नई दिल्ली, 21 अक्टूबर, 1998

का.पा. 2388.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बेस्टर्न रेलवे मुम्बई 1 के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण नं० 1, मुम्बई-1 के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-98 को प्राप्त हुआ था।

[सं. एल-41011/21/97-आई.आर. (बी 1)
पी.जे. माईकल, डेस्क अधिकारी]

MINISTRY OF LABOUR

New Delhi, the 21st October, 1998

S.O. 2388.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, (No. 1), MUMBAI as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway, Mumbai and their workman, which was received by the Central Government on the 20-10-98.

[No. L-41011/21/97-IR (B.I.)]
P. J. MICHAEL, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, MUMBAI
PRESENT :

Shri Justice C. V. Govardhan, Presiding Officer.
REFERENCE NO. CGIT-21 OF 1998

PARTIES :

Employers in relation to the Management of
Western Railway, Mumbai
AND

Their Workmen

APPEARANCES :

For the Management : Shri Sanjay Singhvi

For the Workman : No appearance.

Mumbai dated the 30th day of September, 1998

AWARD

1. The Central Government has referred the following dispute between the Employer and the Employee for adjudication by this tribunal.

“Whether the action of the employer in not granting Officiating allowance to the workman working under the Control of Sr. DSTE (C), W. Rly., Bombay Division is legal and justified. If not, to what relief the workman is entitled?”

2. The order of the Govt. of India has also been communicated to the Secretary, Indian Railway Technical Staff Association, who is a party to dispute. Subsequent to the receipt of the order by this tribunal, 3012 GI/98—10

this Court has also issued notices to the parties to appear before the tribunal on 28-7-98. On the hearing date mentioned in the notice sent by this tribunal there was no representation by either party. A registered notice with acknowledgement due was sent on 04-9-89 by this tribunal for the hearing dated 30-9-98. Today, i.e. on 30-9-98 the Employer is represented by their Legal Adviser. The notice issued by this tribunal for the hearing dt. 04-9-98 has been received with a postal endorsement “No such address/Not known”. The notice issued by this Court on 04-09-98 to the Union has not been returned. There is also no representation. The claim statement has not been filed as directed in the order of the Govt. of India dt. 06-7-98. In these circumstances, the dispute cannot be adjudicated in the absence of the Union. Therefore, the reference is disposed off for default with liberty to the Union to seek restoration of the reference by filing an application, if necessary in due course Award passed accordingly.

C. V. GOVARDHAN, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 1998

का.पा. 2389.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नोर्थन रेलवे, इलाहाबाद 1 के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण, कानपुर 1 के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-98 को प्राप्त हुआ था।

[सं. एल.-41011/230/95-आई.आर. (बी I)]
पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 21st October, 1998

S.O. 2389.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, KANPUR as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Rly., Allahabad and their workman, which was received by the Central Government on the 20-10-98.

[No. L-41011/230/95-IR (B.I.)]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUS-
TRIAL-CUM-LABOUR COURT, PANDU NAGAR,
KANPUR

Industrial Dispute No. 51 of 97.
In the matter of dispute

BETWEEN

Sugriv son of Badalwan C/o. Dinanath
Mandal Sanghtan Mantri Uttar Railway Karamchhari
Union, 2 Navin Market Parade Kanpur.

AND

Divisional Railway Manager,
Northern Railway Allahabad

APPEARANCES :

D. N. Tiwari for the Union and none for the
Railway.

Award :

1. Central Government Ministry of Labour vide notification no. L-41011/230/95 IR B-I dated 5-3-97, has referred the following dispute for adjudication to this Tribunal—

Kya Rail Prashashan ke dwara Sri Sugriv Atmaj Sri Badalva ko dinank 12-2-89 se naukari se nikala jana nyayochit hai Yadi nahi to sambandhit kamkar Kis anutosh ka haqdar hai ?

2. The case of the applicant is that he was engaged as Khalasi on 27-3-79 under Health Inspector Northern Railway Kanpur. Junior to him were regularised in 1987 whereas he was removed from service from 18-2-89 which is illegal. He was entitled for regularisation as he had completed for more than 120 days of service.

3. The opposite party has contested the case.

4. Repeated opportunity was given to the concerned workman to prove his case by adducing evidence but he failed to do so hence my award is that termination of the concerned workman is not bad in law for want of proof. Consequently he will not be entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 21 अक्टूबर, 1998

का.भा. 2390.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नोर्वन रेलवे, लखनऊ 1 के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-98 को प्राप्त हुआ था।

[नं. एल-41012/36/95-आई.आर. (बी.-I)]
पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 21st October, 1998

S.O. 2390.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Rly., Lucknow and their workman, which was received by the Central Government on the 20-10-1998.

[No. L-41012/36/95-IR (B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING
OFFICER CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT DEOKI PALACE
ROAD PANDU NAGAR KANPUR

Industrial Dispute No. 29 of 1996

In the matter of dispute :

BETWEEN :

Mandal Karyakari Adhyaksh
U. R. K. Union 96/196
Roshan Ganj Lane
Ganesh Ganj Lucknow

AND

Deputy Chief Engineer (Constn. I)
Northern Railway
Charbagh Lucknow.

APPEARANCE :

Shri P. K. Tiwari for the workman,
Shri Hamid Quraish for the Management

AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-41012/16/95-I.R. (B-I), dated 19-3-95 has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Dy. Chief Engineer (Cons.-I), Northern Railway Lucknow not to consider the case of Shri Tek Chand S/o Sri Ram Adhar for the appointment on compassionate grounds in the even of declaring Shri Ram Adhar as medically unfit in all categories on medical grounds, prior to his date of superannuation i.e. 31-3-1993, is legal and justified ? If not to what relief he is entitled to ?"

2. The case of the concerned workman Tek Chand is that his father Ram Adhar was working as P.W.(M) under Civil Engineer Construction Northern Railway Lucknow. He developed eye problem. On 27-4-1992 when he was sent for eye Test. There after he was referred to many doctors till 31-3-1993 for further checkup. It is alleged that when on 27-4-1992 Ram Adhar was found medically unfit, he ought to have been declared as such. The opposite party malafide delay the matter and thereby prevented the concerned workman Tek Chand from being appointed on compensate ground under Rules. Hence he is entitled for appointment on these ground.

3. The opposite party has filed reply alleging that Ram Adhar after retrenchment on 31-3-1993 has accepted all retiral dues including pension. In this way he has accepted retirement without any demur. Now his son can not claim appointment on the basis of assumed medical unfitness.

4. In the rejoinder nothing new has been alleged.

5. From the above it will be seen that Ram Adhar the father of Tek Chand has already accepted his retirement without any demur. Now his son legally has got no right to seek compensate appointment. This prebelleage is available only to a employee who is declared medically unfit during course of service

6. Hence my award is that the concerned workman is not entitled for appointment on compensate ground as his father has retired on attaining age of superannuation. Consequently he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 1998

का.भा. 2391.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार छत्रसाल ग्रामीण बैंक यू.पी. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण, कानपुर 1 के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-98 को प्राप्त हुआ था।

[नं. एल-12012/13/98-आई.आर. (बी.-I)]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi the 21st October, 1998

S.O. 2391.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chhatrasal Gramin Bank and their workmen, which was received by the Central Government on the 20-10-1998.

[No. L-12012/13/97-I.R.(B)/B.-I]
P. J. MICHAEL, Desk Officer.

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT PANDU NAGAR,
KANPUR

Industrial Dispute No. 228 of 1997

In the matter of dispute :

BETWEEN :

Ajai Kumar S/o Late Srivastava C/o.
Ram Achaiber Singh 75/4 Shastri Nagar,
Kanpur.

AND

Chairman
Chhatrasal Gramin Bank
Head Office Rath Road Orai
Jalaun U.P.

APPEARANCE :

Karun Sharma for the workman and V. K. Gupta for the
management bank.

AWARD

1. Central Government, Ministry of Labour, vide notification No. L-12012/13/97/I.R.(B) dated 18-11-97, has referred the dispute for adjudication to this Tribunal.

"Kya Chhatrasal Gramin Bank Orai ke Prabandhan dwara Sri Ajai Kumar son Swargiya Sri S. P. Srivastava ko dinank 2-9-88 se naukari se hatana uchit aur vaidhanik hai? Yadi nahi to sambandhit karmkar kis anutosh ke haqdar hai?"

2. There is no dispute that the concerned workman Ajai Kumar was engaged as junior clerk cum cashier by the opposite party Chhatrasal Gramin Bank on 8-7-1987.

3. The case of the applicant is that he was engaged on a permanent post. He fell ill on 23-11-87, thereafter he remained absent. On the basis of leave application, the applicant was not informed about the fate of his application when on 12-6-90 he reported for duty alongwith medical certificate he was not allowed to do so. Thereafter he applied q/s. 33-G-2 before U.P. Labour Court for arrears of wages, therein the opposite party bank informed that the services of the concerned workman stood terminated w.e.f. 2-9-88. It is alleged that this termination is bad in law as no retrenchment compensation and notice pay was given and further no inquiry was held.

4. The opposite party bank has pleaded that the concerned workman had remained on unauthorised absence from duty for 99 days hence notice dated 18-8-1988 was given to the workman to appear otherwise it will be deemed the case of cessation of work. Further the claim is belated.

5. In the rejoinder nothing new has been alleged.

6. In support of his case, the workman has examined himself as W.W. 1 besides he has filed ext B-1 to W-24 which are in the nature of leave applications and medical certificates. Management has examined their Masager Rakesh Kumar M.W.-1. Further they have filed Ext. M-1 to M-10.

7. As regards delay there is sufficient reason. The workman has been agitating the matter before U.P. Labour Court. Further actually the concerned workman was not informed about the termination, hence he could not raise the dispute.

8. The next point which needs consideration is as to whether the concerned workman was served with notice dated 18-8-1988 by which the concerned workman was required to appear by certain date in default of which his absence would have been amounted to cessation of work. Ext. M-9 is the copy of this letter. There is no proof to show that this letter was sent by post or was personally delivered to the concerned workman. Even the witness of the bank W.M. 1 Rakesh Kumar pleaded ignorance about this fact. On the other hand Ajai Kumar W.W. 1 has categorically stated that no such letter was issued to him. The burden to prove lay

upon the management. As they have failed to prove it my finding is that the concerned workman was not served with such notice, as such it cannot be a case of deemed cessation of work.

9. Admittedly no notice or retrenchment compensation was paid and further no enquiry was held for the alleged absence from duty, the termination of the workman is bad. Hence my award is that the termination is bad in law and he will be entitled for reinstatement with back wages.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 1998

का.सा. 2392.—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इटावा क्षेत्रीय प्रामीण बैंक, इटावा के प्रबन्धन के संबंध निरोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निम्नित प्रौद्योगिक विवाद में केन्द्रीय सरकार प्रौद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-98 को प्राप्त हुआ था।

[सं० एल-12012/145/97-आई.आर. (बी-1)]

पी.जे. माइकल, डेस्क अधिकारी

New Delhi, the 21st October, 1998

S.O. 2392.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Etawah Kshetriya Gramin Bank and their workman, which was received by the Central Government on 20-10-1998.

[No. L-12012/145/97-IR (B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 61 of 1998

In the matter of dispute :

BETWEEN

Sri R. K. Sharma,
General Secretary,
Etawah Kshetriya Gramin Bank Staff Association,
39, Kooncha Sheelchandra,
Etawah-206001.

AND

The Chairman
Etawah Kshetriya Gramin Bank
123-A, Civil Lines,
Etawah-206001.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012/145/97-IR (B-I) dated 2/3-4-1998 has referred the following dispute for adjudication to this Tribunal--

Kya Adhyaksh, Etawah Kshetriya Gramin Bank, Etawah ke dwara Sri Manoj Kumar ko Kalkhand 1991-93 ka udkash kiraya rivayat suvidha 1994 main dena uchit aur vedhanik hai? Yadi nahi to sambandhit Karmkar kis anutosh ka haqdar hai?"

2. It is unnecessary to give the details of the case as after sufficient service the concerned Union has not filed the claim statement. Hence the reference is answered

against the workman for want of prosecution and proof and he is not entitled for any relief.

AWARD

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 1998

का.मा. 2393.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इटावा क्षेत्रीय ग्रामीण बैंक, इटावा 1 के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर 1 के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-98 को प्राप्त हुआ था।

[संख्या एल.-12012/183/97-आई.आर. (बी.-I)]
पी.जे. माइकल, डेस्क अधिकारी

New Delhi, the 21st October, 1998

S.O. 2393.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Etawah Kshetriya Gramin Bank and their workman, which was received by the Central Government on 20-10-1998.

[No. L-12012/183/97-IR (B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 58 of 1998

In the matter of dispute :

BETWEEN

Sri R. K. Sharma,
General Secretary,
Etawah Kshetriya Gramin Bank Staff Association,
39, Kooncha Sheelchandra,
Etawah-206001.

AND

The Chairman
Etawah Kshetriya Gramin Bank
123-A, Civil Lines,
Etawah-206001.

1. Central Government, Ministry of Labour, New Delhi vide its Notification No. L-12012/183/97-IR (B-I) dated 3-4-1998, has referred the following dispute for adjudication to this Tribunal--

"Whether the action of the management of Etawah Kshetriya Gramin Bank Etawah in terminating the services of Smt. Manju of their Kukamali Branch is justified? If not what relief the workman is entitled?"

2. It is unnecessary to give the details of the case as after sufficient service the concerned Union has not filed the claim statement. Hence the reference is answered against the workman for want of prosecution and proof and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 1998

का.मा. 2394.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इटावा क्षेत्रीय ग्रामीण बैंक, के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-98 को प्राप्त हुआ था।

[सं. एल.-12012/210/97-आई.आर. (बी.-I)]

पी.जे. माइकल, डेस्क अधिकारी

New Delhi, the 21st October, 1998

S.O. 2394.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Etawah Kshetriya Gramin Bank and their workman, which was received by the Central Government on 20-10-1998.

[No. L-12012/210/97-IR (B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR
Industrial Dispute No. 81 of 1998

In the matter of dispute

BETWEEN

Sri R. K. Sharma,
General Secretary,
Etawah Kshetriya Gramin Bank Staff Association,
39, Kooncha Sheelchandra,
Etawah-206001.

AND

The Chairman
Etawah Kshetriya Gramin Bank
123-A, Civil Lines,
Etawah-206001.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012/210/97-IR (B-I) dated 29-4-98 has referred the following dispute for adjudication to this Tribunal—

“Whether the action of the management of Etawah Kshetriya Gramin Bank Etawah, in terminating the services of Shri Vinod Kumar, of their Jaitapur Branch is justified? If not, what relief the workman is entitled to?”

2. It is unnecessary to give the details of the case as after sufficient service the concerned Union has not filed the claim statement. Hence the reference is answered against the workman for want of prosecution and proof and he is not entitled for any relief.
dated 13-10-98.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 23 अक्टूबर, 1998

का. आ. 2395.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-10-98 को प्राप्त हुआ था।

[सं. एल.-12012/320/91-आई आर III/बी. I]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 23rd October, 1998

S.O. 2395.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on the 22-10-1998.

[No. L-12012/320/91-IR.III/B.I.]
P. J. MICHAEL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 2 of 1992

PARTIES :

Employers in relation to the management of State Bank of India

AND

Their workmen.

PRESENT :

Mr. Justice A. K. Chakravarty—Presiding Officer.

APPEARANCE :

On behalf of Management.—Dr. Tapas Banerjee, Senior Counsel with Mr. R. N. Mazumder, Advocate.

On behalf of Workmen.—Mr. Anindya Mitra, Senior Counsel with Mr. Joydeep Kar, Advocate.

STATE : West Bengal.

INDUSTRY : Banking.

AWARD

By Order No. L-12012/320/91-IR III dated 22-1-1992 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of State Bank of India, Alambazar Branch, in not regularising the workman Shri Judhisthir Debsena, as Canteen Boy in the Class IV cadre of the bank, and denying him full salary for the month of April, 1991, is justified? If not, to what relief the workman is entitled to?”

2. Instant reference has arisen at the instance of State Bank of India Canteen Employees' Union, Calcutta for not regularising the service of Judhisthir Debsena as Canteen Boy in Class-IV cadre of the State Bank of India and also for denial of his full salary for the month of April, 1991.

3. Union's case, in short, is that Judhisthir Debsens, concerned workman was appointed by the Branch Manager of Alambazar Branch of the State Bank of India (in short the Bank) in November, 1983 as a canteen workman of the staff canteen of the said branch. The Branch Manager was ex-officio president of the Local Implementation Committee (LIC in short) of that branch. The concerned workman is paid consolidated sum of Rs. 500 per month as salary. The amount was determined by the management of the Bank and paid by the Bank to the debit of its charges account Union alleges that the concerned workman was not only denied of the salary and allowances at par with other Class-IV employees of the Bank, but a sum of Rs. 250 was also deduced from his pay in the month of April, 1991 without show

any reason for the same. The concerned workman performs the duty of preparing tea, snacks and food and supplying the same to the members of the staff of the branch and also performs duties as ordered by the Branch Manager. His work hours are similar to that of other Class-IV employees of the Bank and he performs the duty in the same premises of the Bank with all other members of the staff.

In terms of the Staff Act, which governs service conditions of the employees in the banking industry, the Bank management introduced staff canteens at the branches/offices of the Bank throughout the country. In 1963 the Bank management launched a scheme in the name of Staff Welfare Activities to run such staff canteens. Under this scheme the Bank management constituted a fund known as staff welfare fund. It is created by the central board of the Bank out of the annual profit of the Bank. The object of raising the fund is to meet the expenses of the staff canteens and also to meet the expenses of other welfare activities of the Bank. The wages of the canteen workmen are determined by the Bank management and paid by it to the debit of its charges account through the LIC. Two committees, namely, Circle Welfare Committee (in short CWC) and the LIC were created under the scheme. CWC is constituted in each local head office under the 13 circles of the Bank all over the country. The Chief General Manager of each of these circles is the ex-officio president of the respective CWC and in the branch/office at the local level, the Branch Management constituted LIC for the same purpose. Branch Manager/Chief Manager of the Branch/Office is the ex-officio president of the LIC. The responsibilities of maintenance and running of staff canteens and conducting of other welfare activities through the LICs come under the purview of the service condition of the Branch Manager/Chief Manager and negligence and lack of effective supervision on their part is treated as misconduct. Books and accounts of the LICs are also audited by the bank officials who are also designated as Bank's auditors.

In March, 1989 the canteen workmen of the canteens run by the LICs of 50 offices/branches of the Bank all over the country and those of 17 offices/branches in the Bengal circle had been treated as Class-IV employees of the Bank. The management of the Bank have thus discriminated against number of Canteen Boys including the concerned workman by denying them similar status even though there was employee-employer relationship between these workman and the Bank.

The union has further alleged that in Reference No. 63 of 1975 of this Tribunal for decision on the identical point, an Award was passed in favour of the workman of the canteens run by the LICs for giving them same status, pay and facilities as are available to other Class-IV employees of the Bank with effect from 1-11-1975. A similar award was passed recognising the same status of the canteen workmen in Reference No. 24 of 1979 in the Industrial Tribunal at Madras. The union thus claims that the concerned workman is entitled to be treated as Class IV employee of the Bank in terms of the Award in Reference No. 63 of 1975 of this Tribunal from the date of his joining in the Bank with consequential benefits and also for payment of his full salary and allowances for the month of April, 1991.

4. The management of the Bank filed the written statement challenging the case of the union on preliminary point as well as on merit. On the preliminary point, it is alleged that there being no employer-employee relationship between the Bank and the concerned workman as the concerned workman was appointed by the LIC of Alambazar Branch, no industrial dispute is terms of Section 2(k) of the Industrial Disputes Act, 1947 (in short the Act) has arisen. It is also alleged that the union which has sponsored the case of the employee is neither a union of the employees of the Bank, nor any of the employee of the Bank is a member of the said union. It is further alleged that the Bank carries some welfare activities and for that purpose the central office of the Bank allocates suitable amount for various circles over years. Promotion of canteen facilities forms only a part of such activities, the rest of such activities are for setting up of library and reading rooms, promotion of cultural activities, providing educational facilities etc. For the performance of such welfare activities, CWC at the Circle Level and the LIC at the branch level are created. Apart from the other

members, the Chief General Manager is the ex-officio president of the CWC and Branch Manager/Deputy General Manager of the Branch/Office is the ex-officio president of the LIC.

Regarding the Award passed in Reference No. 63 of 1975 it is stated that the Bank moved a Special Leave Petition being Civil Appeal No. 804 (NL) of 1977 before the Hon'ble Supreme Court which granted special leave to file the appeal challenging the Award dated 30th November, 1976 and granted ad-interim stay of the said Award. During the pendency of the said appeal, State Bank of India Employees Union, (Bengal Circle), locus standi of which union was in dispute in the said reference, merged with the State Bank of India Staff Association (Bengal Circle). The State Bank of India Staff Association is affiliated with All India State Bank of India Staff Federation, an apex body of the recognised unions of the various circles of the Bank. On or about 31st October, 1977 a bipartite settlement was arrived at between the management of the Bank and All India State Bank of India Staff Federation of which the State Bank of India Staff Association (Bengal Circle) was a constituent. In terms of that settlement it was agreed that the management will take over the canteens run by the LIC at the branch office mentioned in the schedule of the said settlement. Thereafter a further settlement took place on the 17th September, 1984 between the management of the Bank and the said Federation. In that settlement it was agreed that the management of the Bank will take over the canteens from the LIC having a minimum staff strength of 200 and above. A joint petition was thereafter filed by the State Bank of India Staff Association (Bengal Circle) and the Bank before the Hon'ble Supreme Court in the said Civil Appeal No. 840 (NL) of 1977 for disposal of the appeal on the basis of the said two settlements. Hon'ble Supreme Court by its order dated 14th October, 1986 disposed of the said appeal in terms of the said compromise petition. It is alleged by the Bank that in view of the aforesaid order of the Hon'ble Supreme Court, the Award in Reference No. 63 of 1975 of this Tribunal is of no consequence. The Bank has further alleged that the Award was never implemented by the Bank as its operation was stayed by the Hon'ble Supreme Court and the Award stands replaced or substituted by the order of the Hon'ble Supreme Court dated 14th October, 1986. Thereafter the sponsoring union filed an application before the Hon'ble Supreme Court for clarification of the order passed by the Supreme Court. Subsequently on the basis of the submissions made by the learned Counsel of the said union before the Hon'ble Supreme Court that the union will raise their dispute in the appropriate forum, the petition filed by the union was permitted to be withdrawn.

The Bank has further alleged that the staff strength of the Alambazar Branch is 26. In terms of settlement dated 17 September, 1984 the concerned workman was engaged by the LIC of Alambazar Branch and his service conditions and wages were also fixed by that committee. Accordingly there is no employer and employee relationship between the Bank and the said Canteen Boy. The Bank has further alleged that the facts of the case before the Madras Tribunal was different and at any rate its finding is not binding on this Tribunal. It is also alleged that the LIC is responsible for maintenance of staff canteen. It is further stated that by subsequent settlement between the Bank and the All India State Bank of India Staff Federation, the Bank took over those LIC canteens having staff strength of 150 and above. The Bank has also alleged that if there is any deduction of salary of the concerned workman that was done by the LIC and not by the Bank. The Bank has accordingly prayed for dismissal of the case of the union.

5. The union in its affidavit-cum-rejoinder has alleged that the order of the Hon'ble Supreme Court passed on 14th October, 1986 did not substitute the Award of the Tribunal as the terms of the settlement filed with the consent of the employees, other than the concerned canteen employees, cannot substitute the Award passed in Reference No. 63 of 1975. State Bank of India Staff Federation never represented the union of the concerned workmen, nor any canteen workman was member of the State Bank of India Staff Federation. It is alleged that the Bank in

fact has really implemented the Award partially through the alleged settlements dated 31 October, 1977 and 17 September 1984. It is further stated that the Hon'ble Supreme Court by its order dated 14th August, 1985 never expressed that the Award in question was substituted or modified by the said settlements. It is also stated that the failure of the Bank to implement the Award tantamount to continuing breach of the Award. It is further alleged that the Bank employees are also members of the sponsoring union and that it has been substantially established in Reference No. 63 of 1975 in Calcutta and Reference No. 24 of 1979 in Madras, that industrial dispute exist between the Bank and the canteen workmen. It is also alleged that in the writ petition before the Hon'ble Calcutta High Court, Bank was directed to act on demands of the sponsoring union which establishes that the industrial dispute exists between the Bank and the sponsoring union. It is also alleged that there is relationship of master and servant between the Bank and the concerned workman and that the LIC is merely a clever device of the bank to circumvent liability of the Bank. It is also alleged that the concerned workman was appointed on the terms and conditions laid down by the Bank. It is also alleged that the LIC has no independent existence. It is denied that the Bank management has no control over the canteen workers. The LIC is an intermediary between the canteen management and the bank management. The union has also alleged that the Bank is arbitrarily violating the well-established principle of same pay for same work. The rest of the allegations are merely repetition of the allegations made before by the union.

6. Heard Dr. Tapas Banerjee, learned Senior Counsel appearing for the management and Mr. Anindya Mitra, learned Senior Counsel appearing for the union.

7. It appears from record that apart from production of number of documents by either side, the union has examined three witnesses, and the management two witnesses to prove their respective cases.

8. Before proceeding to discuss the evidence on record about the merit of the case, it will be necessary to consider the preliminary objections raised by the management. Dr. Banerjee, learned Counsel appearing for the management submitted in the first place that since the concerned workman was never engaged by the management, no industrial dispute in terms of Section 2(k) of the Act exists. It is true that under Section 2(k) of the Act there must be relationship of master and servant between the employer and employee. Consideration of that aspect of the matter being the subject matter of this reference it is to be considered on the basis of the evidence on record.

9. The other point taken by Dr. Banerjee in this matter is that the present union cannot represent any workman as it has not sufficient number of members within its fold to give it a representative character. Number of decisions were cited by Dr. Banerjee in support of his contention that the union must have sufficient workmen as members to have a representative character. Dr. Banerjee draw my attention to paragraph 4 of the written statement of the management where it was specifically alleged that the sponsoring union is neither a union of the employees of the Bank, nor any of the employees of the Bank is a member of the said union. In its reply the union stated that the Bank employees are also members of the sponsoring union. Mr. Mitra, learned Senior Counsel for the union drew my attention to the evidence of WW-3 where he stated that all Canteen Boys are members of the sponsoring union. Mr. Mitra also submitted that when a reference is made under Section 19 of the Act there is a presumption of existence of an industrial dispute. Such presumption being always rebuttable denial of the existence of such dispute either in the written statement or in the evidence by the management shall constitute sufficient rebuttal of the same and the onus then is shifted upon the Union to prove the same. It was submitted that mere statement of the nature as made in paragraph 4 of the written statement of the management does not mean anything in the matter. That averment alongwith cross examination of the witness of the Union by the management on this point is enough to rebut the presumption. It is true that WW-3 in his cross-examination has stated that all canteen boys working

in the State of West Bengal are members of the sponsoring Union. Such uncontroverted evidence on record goes to show that all the canteen boys in the State of West Bengal are the members of the sponsoring union. The membership of the sponsoring Union is therefore restricted only to the canteen boys of these branches having staff strength below 100 must be stated to have been proved. The number of such branches are also formidable. It appears from the evidence of MW-2 that there are 746 branches of the State Bank of India in West Bengal where staff strength is less than 100. It may be that their number may not be quite substantial when compared to the full staff strength of the State Bank of India in West Bengal Circle, but what is not to be lost sight of in this matter is that these canteen boys, as claimed by them, form a distinct group amongst the employees of the Bank as their alleged right of regularisation in the service of the Bank is yet to be ascertained. For this purpose I may refer to the Division Bench decision of the Hon'ble Calcutta High Court in the case of Reckitt and Colman of India Ltd. V. Fifth Industrial Tribunal and Ors., reported in 1980 L.J. 92 where it was held that it does not always require appreciable number of workmen in an establishment to give an individual dispute the character of an industrial dispute and question of representation need not be considered from the view point of the total staff strength of the establishment but from the view point of the membership of particular class or category of workmen. In taking the above view the Hon'ble High Court relied on the decision of the Hon'ble Supreme Court in Bombay Union of Journalists v. The "Hindu" Bombay, reported in 1961 (II) L.J. 436. Indisputably the Canteen Boys formed a separate class or category and accordingly the sponsoring union can have sufficient representative character, provided the alleged relationship of master and servant between the canteen boys and the Bank is proved by evidence on record, for espousing the case of the concerned workman being thereby an individual dispute the character of an industrial dispute.

10. Mr. Mitra further submitted in this connection that the Management by its conduct should be estopped from raising this contention inasmuch as the management did not take this point before the Hon'ble Supreme Court at any point of time. He drew my attention to the order of the Hon'ble Supreme Court in the State Bank of India's case, referred to earlier, wherefrom it will appear that no objection was ever raised on behalf of the management about the maintainability of the reference. I am not in a position to agree with the contention of Mr. Mitra because the Hon'ble Supreme Court, while merely directing this Tribunal for speedy disposal of the case did not either directly or by way of implication suggested that the question of maintainability of the reference need not be considered by this Tribunal. No question of waiver accordingly can arise and the Tribunal is accordingly required to decide the reference both on point of maintainability as well as on merit.

11. Coming to the merits of the case, I find that the principal question requiring decision in this case is whether there is any relationship of employer and employee between the Canteen Boys of the LIC run canteens and the Bank. Any decision on this point requires consideration of the question whether the Bank has any obligation, either legal or otherwise, to maintain such LIC run canteens and also the Bank's relationship with the Canteen Boys of the LIC run canteens and whether there is any similarity between the LIC run canteens and the canteens run by the Bank.

12. It is nobody's case that the Bank has any legal obligation to maintain any canteen for its staff. It was however submitted on behalf of the union that the Bank has an obligation to maintain canteens both under the Sastri Award as well as under the Moidu Award. My attention was drawn to Chapter XXXVII of the Sastri Award which deals with existing terms of service. It is to be noted that Sastri Award was passed in 1953 when the State Bank had not come into existence. The Imperial Bank which was existing at that time was merged in the State Bank of India thereafter. My attention was drawn to paragraph 609 of that chapter which deals with the right of exercising option by the employees in respect of their terms of service.

divided in several groups, available under the existing terms as well as under the Award. It is true that a separate group in respect of amenities e.g. canteen, club house payment of taxes etc. was made and the employees were not allowed to exercise their option in the matter. Since such amenity for canteen can be provided for in various ways, through contractors, cooperative societies or any independent body without really maintaining such canteen by the Bank, it cannot be said to have created any obligation for the Bank to run canteens. As a matter of fact, from the agreement dated 31 October, 1977 between the State Bank of India and All India State Bank of India Staff Federation (vide Ext. W-10) it will appear that the parties entered into an agreement for the first time in 1963 regarding staff welfare activities of the Bank and for carrying out of such welfare activities the provision for providing canteen facility was entrusted to the Local Implementation Committee (LIC in short) under the agreement.

13. The union has strongly relied on the Award passed by Mr. Justice Moidu in Reference No. 63 of 1975 and claimed that the Award having made all the Canteen Boys direct employees of the Bank, the concerned workman should be held to be an employee of the Bank. It is true that before passing of this Award in 1976 all canteen employees had been standing in the same footing. None of them enjoyed status of an employee of the Bank. An appeal was preferred against this Award in the Hon'ble Supreme Court and it was disposed of on 14-10-1985 in terms of the compromise petition. The compromise petition is marked Ext. W-1 in this case. It will appear from this compromise petition that the Award in question was substituted by the settlements dated 31-10-1977 and 17-9-1984. The Award having thus been substituted by the settlements, no question of the union claiming any right under the said award can arise. It is therefore clear that the Bank had no obligation, either legal or otherwise, to maintain and run any canteen for its employees.

14. On the question of relationship between the Bank and the canteens and Canteen Boys and whether there is any similarity between the LIC run canteens and the canteens run by the Bank, it is to be noted first that the admitted evidence in respect of this matter is that the canteen of those branches of the Bank having staff strength of 100 and above are directly run by the management of the Bank and the canteens of those branches having lesser staff strength are managed by the LIC. Paragraph 1(viii) of the Hand Book of the Staff Welfare Activities (vide Ext. W-9) which was prepared as per agreement of 1963 shows the manner of the composition of such LIC. Some of the staff of the concerned branch of the Bank alongwith the Branch Manager as ex-officio president of such committee form such committee. It is to be noted in this connection, as it will appear from the evidence of WW-1, that the Canteen Boys on their absorption by the Bank as its direct employees are designated as Bearer-cum-General Attendants. Further it appears from the evidence on record and from the Hand Book of Staff Welfare Activities that the Bank allocates funds to the CWC (Circle Welfare Committee) and the CWC allocates the fund to the LIC under the welfare scheme of the Bank. Members of the CWC as well as LIC are all employees of the Bank. It further appears from the evidence of the witnesses that the Bank audits accounts of the LIC. No outsider is allowed to be a member of the LIC and the service of the canteen is restricted to the staff of the concerned branch of the Bank and the canteens are run on 'no profit no loss' basis. It further appears from the evidence of WW-2, Ranjit Kumar Sur that neither CWC nor the LIC has independent fund to run the canteens and the canteens are audited by the central auditor and the concurrent auditor. Regarding disruption of the functioning of the Bank in the event of disruption of canteen facility, the affirmative answer of this witness was challenged in his cross-examination. WW-3, concerned workman stated in his evidence that his duty is same with that of regular employees of the Bank. Regarding mode of disbursement of salary WVs 2 and 3 stated that in case of Canteen Boys cheques are issued in favour of the Canteen Boys by the president of the LIC. But, from the evidence of WW-1 it appears that it was deposited in the name of the concerned employee in his bank account. WW-1 in his evidence also stated that the subsidy granted to the LIC run canteens

is distributed amongst the Canteen Boys if the number of Canteen Boys is more than one. Regarding disciplinary proceeding WW-1 has stated that the Branch Manager is the disciplinary authority which was not denied by the management. It further appears from the evidence of MW-2 that there is no independent fund of the LIC apart from those supplied by the Bank as subsidy. He also admitted that the departmental action can be taken against him for failure to make effective supervision for proper utilisation of welfare fund. Regarding service rendered by these two types of canteens there is no difference but MW-1 and MW-2 state that the employees of the Bank run canteens are to perform heavier duties than the LIC run canteens. Though WW-1 and WW-3 stated that they have appointment letters but they could not produce the same which shows that no appointment letter was issued in their favour. WW-3 admitted that he is not to sign any attendance register maintained by the Bank for its employees. It is not disputed that the canteens are situated within the Bank campus and crockeries, cutlery and furnitures are supplied by the Bank. According to WW-2 cost of electricity, fuel and water, while according to MW-2 cost of fuel upto 75 per cent is paid by the Bank as subsidy. Regarding fixation of prices of the food staff and beverages WW-2 stated it is fixed by the LIC. WW-2 stated in his evidence that the Branch Manager enjoys upto power as president of the LIC but that is not corroborated by Ext. W-9.

15. What, therefore, emerges from the above evidence is that the Bank provides canteen facilities to its employees as amenities and for that purpose set up canteens with fittings, fixtures, furnitures, cutlery, utensils and providing fixed subsidies to be distributed among the canteen boys and 75 per cent of the fuel cost. These canteens are run by the LIC and there is no evidence that the Bank has anything to do with the supervision or the day to day running of the canteens. The composition of the LIC is entirely from the members of the staff with the Branch Manager as ex-officio Secretary. That is what it should be as the beneficiary of such facility are the bank employees. As ex-officio Secretary i.e. the Branch Manager is liable to disciplinary proceeding only to the extent of the subsidy amount. The LIC is not bound to account for its supervision of canteen to the Bank. LIC is not a department of the Bank. The LIC exercises independent control over appointment and supervision of its staff and day to day activities of the canteen, and such staff appointed by the LIC therefore cannot be the employee of the Bank. The control of the bank, if any, over the LIC, which runs the canteen alongwith looking after the other welfare activities of the employees, being merely limited to its ex-officio Secretary's responsibility of proper utilisation of the amount paid as subsidy cannot to be said to be any control whatsoever because the bank itself has a liability to see that the money spent by it is properly utilised. Such control if it can at all be said to be control by the bank over the LIC being neither effective nor all pervasive no question of the canteen boys who are employees of the LIC, being employees of the bank can arise. Further, regular appointment in any post in the bank being always preceded by certain tests of the candidates the canteen boys cannot claim to be employees as they had not gone through those tests. The conclusion, therefore, is inescapable that at no point of time the canteen boys were the employees of the bank.

16. Learned Senior Counsel for the union referred to the case of *Huseinbhai v. Alath Factory Thezhilili Union*, reported in (1978) 4 S.C.C. 257 and submitted that the Tribunal is to look at the consocius of factors governing the employment for the purpose of identifying the real nature of the employment. The case relates to the determination of the position of the contractor's employees. Though the instant case has got nothing to do with the contractor's employees, still then, the real nature of the relationship between the parties has been examined above and since action of any body/committee created by the Bank in discharge of its welfare activities cannot be equated with the action of the Bank itself, the specific action of that body/committee appointing persons for discharge of any specific duty cannot give rise to any claim of such person as direct employees of the Bank.

17. My attention was next drawn to the case of *M. M. R. Khan v. Union of India*, reported in 1990 (Supp.) S.C.C. 191=AIR 1990 SC 937. The question of the position of the employees of non-statutory canteens of the Railways came up for consideration in this case. The employees of the non-statutory recognised canteens were held employees of the Railways upon consideration of the relevant provision of the Railway Establishment Manual and the administrative instructions of the departmental canteens issued by the Government of India and also upon consideration of other factors, as the Hon'ble Court found that the Railways were otherwise obligated to run the canteens. No such obligation legal or otherwise, having been proved in this case, the ratio of this decision shall not be applicable in this case. Reliance was also made to the case of *Parimal Chandra Raha v. Life Insurance Corporation of India*, reported in 1995 Supp. (2) S.C.C. 611. Paragraph 25 of this judgement gives in a nutshell the legal position in this matter. In paragraph 25 (ii) it is stated "Where, although it is not statutorily obligatory to provide a canteen, it is otherwise an obligation on the employer to provide a canteen, the canteen becomes a part of the establishment and the workers working in the canteen, the employees of the management. The obligation to provide a canteen has to be distinguished from the obligation to provide facilities to run canteen. The canteen run pursuant to the latter obligation, does not become a part of the establishment". From the facts on record of that case it appeared that canteen services had been provided to the employees of the Life Insurance Corporation for a long time and that it was the Corporation which had been from time to time taking steps to provide the said service. The canteen Committees, the Cooperative Societies of the employees entrusted to run and manage the canteens had only been acting for and on behalf of the Corporation as its agencies to provide the said services. It was the Corporation which had been appointing the contractors and entering into agreements with them which were in the nature of directions regarding the manner in which the canteen was to be run and canteen services rendered. Both the appointment of the contractor and the tenure of the contract was as per stipulation made by the Corporation in the agreement. Even the prices of the items served, the place where they should be cooked, the hours during which and the place where they should be served, were dictated by the Corporation. The Corporation had also reserved the right to modify the terms of the contract unilaterally and the contractor had no say in the matter. There the appellants and other workers had been working continuously for a long time. The Corporation provided for the infrastructure, viz. the premises, furniture electricity water etc. The canteen service was essential for efficient working of the employees and of the officers of the Corporation. The functioning hours of the canteen were also fixed by the Corporation. The employees of the Corporation had all along been making the complaints about the poor or inadequate service rendered by the canteen to them only to the Corporation and the Corporation had been taking steps to remedy the defects in the canteen service. Further, whenever there was a temporary breakdown in the service condition on account of agitation or strike by the canteen workers, it was the Corporation which had been taking active interest in getting the dispute resolved. It was accordingly held on the above facts that the canteen committees, the Cooperative Society of the employees and the contractors engaged from time to time are in reality the agencies of the Corporation and are, only a veil between the Corporation and canteen workers. No such effective and all pervasive control of the bank upon the LIC being discernable in the instant case, as shown above by me, the ratio of that decision shall not be applicable in the instant case.

18. That apart it is an admitted fact that in the instant case that prior to 1988 when the sponsoring union was registered, the interests of the employees of the State Bank of India including the Canteen Boys was looked after by the All India State Bank of India Staff Federation. The appeal against the Moidu Award having been disposed of on the basis of the two settlements of 1977 and 1984, only those of the Canteen Boys who were covered by the settlements became direct employees of the Bank. By two other subsequent settlements in 1989 and 1992 some other Canteen Boys also came to be appointed as direct employees of the Bank.

The settlements of 1977 and 1984 forming the basis of the disposal of the Award under appeal, no claim that all other Canteen Boys not covered by those settlements or subsequent settlements in the matter are employees of the Bank can be made. Had the Bank any obligation to recognise all canteen boys as its employees, there would not have been any occasion for the four settlements between the parties from 1977 and 1992. It accordingly follows that the Bank was merely discharging its obligation by providing facilities to run the canteens through the LIC. None of these decisions therefore come of any help to the union.

19. Dr. Banerjee, learned Senior Counsel for the management submitted with reference to the case of *Reserve Bank of India v. Workmen*, reported in (1996) 3 S.C.C. 267 that unless there is any statutory obligation for the management to provide employment to the Canteen Boys, no question of accepting them as employees of the Bank can arise. It was held in this case that the Bank only exercising 'remote control' in respect of functioning of the canteens, in the absence of any obligation, statutory or otherwise, regarding the running of the canteens by the Bank that the workers in the canteens run by the Implementation Committee cannot come within the ratio of *M. M. R. Khan's* case.

20. Mr. Mitra, learned Senior Counsel for the union lastly submitted that the Bank's action in giving appointment to some of the persons doing same nature of work on the basis of irrational consideration that those persons who are rendering service in bigger branches having the staff strength of 100 and above should be absorbed, while those rendering service in branches having lesser staff strength will not be entitled to such regularisation is highly discriminatory. Classification on the basis of number is not unknown in law. Under section 46 of the Factories Act it is obligatory that canteens are to be established where more than 250 workers are employed. In section 25K of the Industrial Disputes Act, 1947 provisions have been made in respect of those employees working in bigger establishments. Further, the discrimination, even if there be any, being the outcome of protracted negotiation between the parties from 1977 to 1991 and expressed in four settlements between the Bank and the union which represented all employees of the Bank till 1988 at least, before the sponsoring union was born, ceases to be discriminatory as the elements of give and take is necessary concomitant in every amicable settlement. The ratio laid down in the *Reserve Bank of India's* case being thus clearly applicable in the instant case, I am to hold that the employees of LIC run canteens shall not be entitled to the regularisation as prayed for in this case as there is no relationship of employer and employee between the Bank and the concerned workman.

21. The remaining part of the reference is concerned with the denial of full salary to the concerned workman for the month of April, 1991 as Rs. 250/- was deducted from his salary. No relief on this account shall be available to the concerned workman as he is an employee of the LIC. The management of the Bank cannot be held responsible for non-payment of any amount which was payable by the LIC, if at all.

22. Since the preliminary point of maintainability, pressed by Dr. Banerjee, could not be considered without giving any finding in respect of master and servant relationship between the Bank and the concerned person and no such relationship having been found, as discussed above, that the union, sponsoring the case of the concerned person, cannot be said to have any right to raise any industrial dispute on behalf of the concerned person who is not a 'workman' under section 2(s) of the Act. Membership of the sponsoring union being limited to persons who are not employees of the Bank, as it transpires from evidence, the concerned union is not permitted under law to raise an industrial dispute under section 2(k) of the Act.

23. Concerned person Shri Jadhishir Debsena accordingly shall not be entitled to any relief.

This is my Award.

Dated, Calcutta,

The 7th October, 1998.

A. K. CHAKRAVARTY, Presiding Officer

नई दिल्ली, 27 अक्टूबर, 1998

का. आ. 2396.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया, कर्नूल के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, II, हैदराबाद के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-10-98 को प्राप्त हुआ था।

[सं. एल-12012/141/96-आई. आर. (बी. I)]
पी. जे. मार्शल, डैस्क अधिकारी

New Delhi, the 27th October, 1998

S.O. 2396.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, II, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India, Kurnool and their workman, which was received by the Central Government on 23-10-98.

[No. L-12012/141/96-IR (B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-II, AT HYDERABAD

PRESENT :

Shri G. Bhoopathi Reddy, B.A., LL.B., Chairman.

Dated : 21-09-1998

I. D. No. 18 of 1998

(CENTRAL)

BETWEEN

Sri A. Madhava Reddy
12-32-A, Padnavathilager,
Kurnool-518001.

.. Petitioner.

AND

The Branch Manager,
State Bank of India,
Kurnool Branch,
Kurnool-518001.

.. Respondent.

APPEARANCES :

Sri A. K. Jaya Prakasha Rao, Advocate for the Petitioner.

Sri B. G. Ravindra Reddy, Advocate for the Respondent.

AWARD

This industrial dispute referred to this Tribunal by the Central Government in pursuance of Lr. No. 12012/141/96-IR(B.I) dated 6-2-1998 under section 10(1)(d) of I.D. Act, 1947 to decide the dispute of the petitioner is entitled the pension Scheme. If so what relief the petitioner is entitled?

After this I.D. was referred to this Tribunal the petitioner filed claim statement with following grounds :

The petitioner alleges in claim statement that he was appointed as a part time watchman on 28-10-1966, and his services were confirmed on 28-04-1967. On the date of this confirmation his age was 35 years. On 26-02-1978 he was promoted as full time messenger. He was promoted as Clerk on 01-04-1980, and he retired from service on 31-07-1992. The total service of the petitioner was 25 years 9 months 4 days. But the petitioner submits that on the date of confirmation of the part time employee, he had to be admitted to State

Bank of India Pension Fund on 28-04-1967. But the respondent has not admitted him a pension fund scheme as he was a part time employee. The petitioner submits as per the agreement between the State Bank of India and its employees Union of State Bank of India w.c.f. 01-09-1978 The part time employees also were brought under the pension fund scheme, provided they were not over 38 years of age. The petitioner submits that after retirement he approached the bank to pay the pension. But the Bank refused to pay the pension. Then he approached the Assistant Labour Commissioner, Hyderabad on 29-02-1994. But the Assistant Labour Commissioner, Hyderabad had closed his case by recording the minutes, that he is not entitled for the pensionary benefits. Aggrieved by this ordered the petitioner referred the matter to ALC, Central, Hyderabad who has in turn referred to the Secretary, Ministry of Labour, Government of India in June, 1997. The matter was referred to this Tribunal. The petitioner prayed the respdnt., may be directed to pay the pension from 01-08-1992. The Award may be passed

The respondent filed a counter alleging that claim made by the petitioner is not maintainable. The reference made by the government is not in accordance with the provisions of industrial dispute Act and the same is not valid. The dispute raised by the petitioner is an industrial dispute. The same ought to have been raised by the Union and not the individual workman. The reference made by the Government at the instance of individual workman is the illegal and invalid, liable to be struck down by this Tribunal.

The Petitioner initially appointed as a part time Watchman at Kodumuri on 28-10-1966. He performed his work as a part time employee from the date of his appointment till 25-02-1973. The petitioner was appointed as a full time messenger with effect from 26-02-1973. The State Bank of India Pension Fund Rules empowers provided that only whole time permanent employees, were eligible ought to be admitted to the benefit of pension fund. The petitioner was part time employee, on the date of his appointment as a Watchman to be continued to part time employee 28-02-1973. The petitioner was not eligible to be admitted to the membership of pension fund as per the S.B.I., Pension Fund Rule 7. It is submitted by the virtue of memorandum of settlement dated 31-10-1979 between the management of 49 banks and workman Unions, permanent part time employees became eligible to provident fund. The provision of this settlement came into effect 01-09-1978. Accordingly with effect from 1-9-1978 part time employees became eligible to provident fund benefits in terms of the settlement dated 31-10-79. It is submitting that Rule 7 of SBI Pension Fund Rule was amended such part time employees are eligible 01-09-1978. The petitioner was not eligible to the pension fund as his age was over 35 years as on 01-09-1978. The petitioner age as on 01-09-1978 is 40 years 1 month 12 days. The circular instruction consequent on the amendment to Rule 8(c) of SBI Pension Rule is being the petitioner is not entitled to the pension.

The pension fund rule had not provided for admission of the pension fund for the part time service rendered by the employee prior to 01-09-1978. On the date of confirmation as part time employee is not the criteria under the rules.

The petitioner has been paid provident fund as well as proportionate gratuity as per rules and there are absolutely no merits in the claim made by the petitioner. The petitioner is not entitled any relief. On the basis of proceedings the following points that arise for determination :

"Whether the petitioner is entitled pension scheme benefits, if so what kind of relief the petitioner is entitled ?"

The petitioner submits that he was appointed as part time watchman on 28-10-1966, he was permitted as a full time messenger on 26-2-73. On 1-4-80 he was promoted as a clerk, on 31-12-97 he was retired from service. Petitioner total service 25 years 9 month 4 days. The petitioner is entitled for the pension. Respondent resisted the plea of the petitioner pensionary benefits. The burden of the proof lies on the petitioner. In support of the petitioner claim, petitioner himself examined as W.W. 1 and exhibits W1 to W7. filed to refer. The petitioner refer M.W. 1 J. Panduranga Rao, Additional Manager of the Respondent Bank, examined Ex. M1 to M4.

W.W. 1 A Madhava Rao, Petitioner deposed that he was appointed as a part-time watchman in Bank on 10-06-1966. Ex. W1 is the appointment order his services were confirmed on 26-04-1967, he was promoted as messenger 26-02-1973, and he was promoted as a clerk on 01-04-1980, retirement on 31-07-1992. Ex. W2 is the retirement order. Ex. W3 is the conciliation proceedings before the Assistant Commissioner of Labour. Ex. W4 is the S.B.I., Employees pension fund rules. Ex. W5 is the circular letter No 10, dated 20-09-85. Ex. W6 is a circular dated 20-04-1987. Ex. W7 is the circular No. 5. He is contributing GPF and Provident Fund and gratuity were calculated and paid to him. He is the eligible for the pension. To rebut the petitioner evidence M.W. 1 J. Ramulanka Rao, Dy., Manager deposed that the petitioner is not eligible for the S.B.I., Employees pension fund. Ex. M1 is extract of 01-07-76 pension rules were amended. The pension benefit extended even a part time employee on the date of commutation letter. Ex. M2 is maintaining of pension rules. As per Ex M3 eligibility of pension the upper age was enhanced from 55 to 58 years. Ex. M3 is the circular benefits are granted by the petitioner. On the date of issue of Ex. M3 circular the age of petitioner 40 years 11 months 12 days. Ex. M4 is extract of service record. The petitioner was not eligible for pension.

The respondent submits a reference made by the Government is not in accordance with the provisions of Industrial Disputes Act. The dispute raised by the individual is invalid the dispute ought to have raised by the Union. The petitioner resisted the plea that the dispute referred by the Government U/s. 10(1)(a) of I.D. Act for adjudication for industrial tribunal valid. The submission made by the respondent is not sustainable. There is no doubt as per the Section 2A of the I.D. Act where an employer discharges, dismisses, retrenchment or otherwise terminates the services of the individual workman in dispute which difference between that workman and his employer connected with or arising out of such discharge dismissal retrenchment or termination shall be deemed to be an industrial dispute not withstanding that no other workman nor any Union of workmen is party to the dispute.

Where as in our present case concerned the petitioner was retired from service, he has raised an Industrial Dispute and gave a representation to the Asst. Labour Commissioner, the Asst. Labour Commissioner enunciated conciliation proceedings of 14-02-1996. Ex. W3 is the minutes of the conciliation proceedings held on 14-02-1996. The conciliation proceedings failed thereafter he has reported the matter to the Government. The Government has referred the dispute to this Tribunal for adjudication of the dispute with regard to the entitlement of the pension. The dispute was referred to this Tribunal is having jurisdiction to decide the dispute. There is no necessity the individual dispute pertains to pension of the petitioner is not a matter of union to be raised by the Union. On the other hand the petitioner is retired employee and he raised an individual dispute. The dispute referred to this Tribunal. The dispute referred by the Government is valid.

In this I.D. is whether the petitioner is entitled for the pension as per the State Bank of India Employees Pension Fund Rules. The petitioner submits that he was joined in service of Respondent Bank on 28-10-1966 and his services were confirmed on 28-04-1967, he was promoted as messenger on 26-02-1973, promoted as clerk on 01-04-1980. His total services in the Respondent Bank is 25 years 9 months 4 days. He was retired from services on 31-07-1992. The petitioner is entitled for the pension as per the pension fund rules issued on 28-04-1967. The petitioner submits as per the part-time employees services to be taken into consideration, the pension may be granted. The Respondent resisted the plea that the petitioner was appointed on 28-10-1966 as a part time watchman at the time of his age was 34 years. He was appointed on full time messenger on 26-02-1973, the age of the petitioner was (forty one) 41 years. The part time employees were also eligible for pension by amendment of Rule 7 w.e.f. 01-09-1978. But the petitioner has not complained Rule 8(c) of the State Bank of India pension fund rules, the employees should be below 35 years age to become eligible for pension. On 01-09-1978 the petitioner was more than 48 years. He was not eligible for pension. Even on 26-02-1973 the petitioner was appointed as full time employee. He was more than 41 years. The petitioner was not entitled for pension. The sub-

mission made by the petitioner is concerned there is no dispute with regard to the petitioner was appointed as a watchman on 28-10-1966 and his services were confirmed on 28-04-1967. He was promoted to full time messenger 26-02-1973 and he was promoted as a clerk on 1-4-1980 and retired from service 31-7-1992 is admitted. The petitioner submits that he was firstly appointed as part time watchman and retired as Clerk, his total service to be taken into consideration i.e., 25 years 9 months 4 days is entitled for the pension.

The petitioner was appointed as a part time watchman in the respondent Bank at that time there was no pension fund rules. As per the pension fund rule, rule 7 reads as follows. Save as provide in rule 8 every permanent employee including permanent part time employee who is required by the Bank to work for more than 6 hours a week, in this service of the Bank who is entitled to the pension paying under the terms and conditions member of the fund from that date from which date is confirmed. In the service of the Bank or the date from which he may be required to become under the terms and conditions of his service. The Rule 8(c) lays down a member no employee is eligible to become a member of the fund. If he is over 38 years of age. In our present case concerned the petitioner was initially appointed as a part time watchman and his services were confirmed on 28-04-1967 and he was appointed as full time messenger on 26-02-1973, promoted as Clerk on 01-04-1980. The petitioner was appointed as messenger he was aged about 41 years as such the petitioner is not eligible for pension fund rules. The petitioner submits that as per the State Bank of India Pension fund Rule 22, if employee completes 20 years of pensionable service, is entitled for pension from 01-08-1992.

The respondent resisted the plea. The petitioner is not completed 20 years of pensionable service is not eligible for pension. The submission made by the petitioner is concerned Ex. W4 is the State Bank of India Employees Pension Fund Rules. As per the rule 22(c) reads as follows: The member shall be entitled to a pension under these rules on retiring from bank service after having completed 20 years pensionable service irrespective of age is shall have retained at his request in written. The rule 22(1C) is not applicable in our present case. The petitioner is not completed 20 years of service as a pensionable service. The part time watchman service can not be taken in to consideration for entitlement of pension is concerned. On the other hand the petitioner was promoted as full time messenger on 26-02-1973 and he was promoted as a clerk on 01-04-1980 and 31-07-1992 he was retired from services. The petitioner service is taken into consideration from appointment as full time messenger. Even this period taken into consideration is the petitioner is not completed 20 years of pensionable service. M.W. 1 clarified in course of cross-examination that petitioner was not appointed as messenger for six years as there was no vacancy and he was appointed as a messenger the age of 41 years. Even from date of appointment as messenger till retirement taken into service he was not completed 20 years pensionable service.

The petitioner submits that as per the Ex. W5 circular letter No. 10 dated 20th September, 1985 extension of the pension fund scheme to the permanent part-time employee. The submission made by the petitioner is not sustainable. On the other hand Ex. W5 is the letter addressed by General Secretary of the employees Union to the Subordinate staff extension of the permanent part time employees. Ex. W6 is the revised instructions issued by General Manager, Operations State Bank of India, dated 23-04-1967. The revised instructions issued as per Central Board of meeting was held in 26th March, 1987, approved the amendment of sub-rule (c) to a rule 8 of S.B.I., employees pension fund. As under (c) if he is over 38 years of age are entire rule 8 are as existing and formal in which it would appear after the amendment has given in case (1) that the employees officers who are not over 38 years of age. On that date they become liable to the member of the eligible shall be admitted to the membership of the fund. Even as per the revised instructions issued also goes to show that the entitlement of the pension fund, if he is not above 38 years of the age. In our present case concern the petitioner age is 41 years, when he was appointed as a messenger. The part time watchman services cannot be taken into consideration as petitioner was not promoted as messenger. The petitioner submits that the respondent bank has contributed 10 per cent of the basic pay towards the

bank funds from 01-09-1978 to 31-07-1992. The records are with the bank, the establishment book has to be retained for a period of 35 years. The non production of the record an adverse inference can be drawn against respondent bank.

The respondent has liable to pay Rs. 23,000 towards the compensatory pension fund. The submission made by the petitioner is concerns there is no doubt the petitioner has filed circular Letter No. 3. B/5/98-99, dated 19-6-1998 rules and regulations for retention of the record. As per the said circular the establishment book to be retained for 35 years. The petitioner has not taken steps to summons the establishment record. On the other hand M.W. 1 is clarified in course of cross-examination that establishment registers for year 1967 to 1977 were destroyed. The petitioner has also not taken steps to summon the other records. The petitioner is not entitled for Rs. 23,000. On the other hand when the petitioner was appointed as a messenger his age was 41 years. Even for appointment of messenger his age is 31 years. Though the management has appointed the petitioner as messenger by taking into consideration the petitioner is worked as part time watchman. When the petitioner was appointed as part time watchman his age was 34 years 7 months and 9 days. For appointment of messenger the age required is 35 years though the petitioner was more than 35 years of age he was appointed as messenger. He was promoted to clerk from messenger to till retirement worked period also not 20 years. For eligibility of the pension is concerned employee to be worked to 20 years as pensionable service. Then only entitled for the pension fund rules. The petitioner has not entitled for any relief the ID. is dismissed. The Award shall come into force U/s. 17-A of I.D. Act after one month of the publication of the Award.

Dictated to Stenographer, Transcribed by her, corrected by me given under my hand and seal of this Tribunal on this the 21st September, 1998.

G. BHOOPATHI REDDY, Chairman

APPENDIX OF EVIDENCE

LIST OF WITNESSES EXAMINED

For Petitioner : W.W. 1.

W.W. 1 : Sri A. Madhava Rao.

For Respondent :

MW. 1 : Sri J. Pandu Ranga Rao.

DOCUMENTS MARKED

For Petitioner :

Ex. W 1—28-10-66 : Xerox copy of appointment order.

Ex. W2—31-07-92 : Xerox copy of Retirement Order.

Ex. W3—14-02-96 : Xerox copy of conciliation proceedings before the Asst., Labour Commissioner (Central) Hyd.

Ex. W4 —: Xerox copy of SBI. Employees pension fund rules.

Ex. W5—20-9-85 : Xerox copy of circular letter No. 10 Subordinate staff extension of pension fund scheme to permanent and part time employees.

Ex. W6—23-04-87 : Xerox copy of circular, SBI, employees pension fund rules.

Ex. W7—20-02-95 : Xerox copy of circular No. 5, improvements to the existing superannuation scheme.

For Respondent :

Ex. M1— : Extract of Rule 7.

Ex. M2—11-10-85 : Circular (PER) 48/85 issued by G.M., Operations, SBI.

Ex. M3—23-04-87 : Xerox copy of Circular (PER) 29-4-87 issued by G.M., Operation, SBI.

Ex. M4— : Xerox copy of extract of the service record of Sri A Madhava Rao (Petitioner).

नई दिल्ली, 30 अक्टूबर, 1998

का. आ. 2397:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया, आगरा के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-10-98 को प्राप्त हुआ था।

[सं. एल-12012/91/97-आई आर (बी. I)]

पी. जे. माइकल, डेस्क अधिकारी

New Delhi, the 30th October, 1998

S.O. 2397.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, KANPUR as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India, Agra and their workman, which was received by the Central Government on the 29-10-98.

[No. L-12012/91/97-IR (B.I.)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT PANDU NAGAR, KANPUR.

In the matter of dispute :

BETWEEN

General Secretary
U. P. Bank Employees Congress
2/363 Namneir Agra

And

The Assistant General Manager
State Bank of India Region III
Sanjay Place Agra.

APPEARANCE :

Sri V K Gupta, General Sectt. of Union and
S N Sharma for the State Bank of India,
Management.

AWARD

1. Central Government, Ministry of Labour, vide notification no. L-12012/91/97-I.R. (B.I.) dated 31-12-97 has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of State Bank of India Agra to terminate the service of Sri Mahtab Singh Part time sweeper, SBI Mat Firozabad w.e.f. 24-11-94 is legal and justified? If not, he was entitled to what relief.

2. There is no dispute that the concerned workman Mehtab Singh was earlier engaged as part time sweeper at Pachkota Branch District Agra of the opposite

party State Bank of India from 1-2-82 and he continued to work as such till 18-9-94, subsequently after test and interview the concerned workman was absorbed as a part time sweeper on half of scale of wages and was posted at Math Branch in District Mathura w.e.f. 19-9-94. By letter dt. 24-11-94, the concerned workman was removed from service on the ground that police report was adverse. It is alleged that he could not have been removed from service without holding any inquiry or issuance of show cause notice.

3. The case of the opposit party bank is that the concerned workman was subsequently kept on probation w.e.f. 19-9-94 at half of the scale wages. It was subject to satisfactory police report regarding his character. In case antecedent was found to be unsatisfactory he could be removed from service in terms of para 522.1 of Shastri Award. As the report of the police was against the concerned workman therefore, that management was within its right to pass impugned order without issuance of show cause notice or holding enquiry.

4. In the rejoinder nothing new has been alleged.

5. Thus the only point which calls for determination is as to whether the management was justified in invoking the provisions of appointment letter dated 19-9-94 by which they were entitled to dispensed with the services of the concerned workman in case police report was adverse. Paper no. 2 of list dated 19-9-98 filed by the management is the report of police which shows that a case under sec. 13 of Gambling Act vide crime no. 31 of 1986 and crime no. 29/87 is pending against him. Treating it to be a case of unsatisfactory character the management has removed the concerned workman from service. However there is certified copy of order of Court dated 1-2-95 which goes to show that in the criminal case under section 13 of Gambling Act, the concerned workman was acquitted as the management has not adduced any evidence. In my opinion in view of this acquittal the stigma of pendency of a case under sec. 13 of Gambling Act stood removed. In my opinion simple pendency of a criminal case does not mean that character is unsatisfactory. Until conviction is recorded the victim would be deemed to possess character with adverse antecedents, hence my opinion in either case, in the instant case is that the concerned workman did not suffer from the voice of unsatisfactory character, hence management was not justified in terminating the services of the concerned workman by invoking condition no. 5 of the appointment letter dated 19-9-94.

6. There is another infirmity in the order. Admittedly the concerned workman was working as part time sweeper in lower scale hence if the concerned workman was to be removed from service carrying half scale of wages, atleast he could have been reverted to his original post. Outright order terminating his service is arbitrary. The authorised representative of bank has also drawn attention that this criminal case was pending when the concerned workman was already in service. They were aware of it as summons were served through the bank. Still they had choosen to absorb him thus it will be deemed that they had

taken it not to be a case of unsatisfactory character. I am not inclined to consider this contention as there is no evidence to show that summons were served through the bank.

7. Lastly reference was made by the authorised representative to the case of State of Rajasthan versus Gyan Singh 1998 Lab. IC 75 in which a worker having antecedent of Gunda was found enough for discharge. This ruling will have no application on the instant case as in this case the concerned workman had already been acquitted of this matter.

8. In the end in view of foregoing discussion my award is that dismissal of the concerned workman from the post of part-time sweeper in half scale of wages is not justified. Consequently he will be entitled for reinstatement with back wages.

Dated 15-10-1998

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 23 अक्टूबर, 1998

का.प्र. 2398:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बिहार राज्य मिनरल डेवलपमेंट कॉर्पोरेशन के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण से 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-10-98 को प्राप्त हुआ था।

[सं. एल-29012/65/92-आई.प्रार. (विविध)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 23rd October, 1998

S.O. 2398.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Bihar State Mineral Development Corporation and their workman, which was received by the Central Government on 23-10-1998.

[No. L-29012/65/92-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. B. Chatterjee, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) and sub-section 2(A) of the I. D. Act, 1947.

Reference No. 22 of 1994

PARTIES :

Employers in relation to the management of M/s. B.S.M.D.C. and their workmen.

APPEARANCES :

On behalf of the workmen—None.

On behalf of the employers—None.

STATE : Bihar

INDUSTRY :Mica

Dhanbad, the 13th October, 1998

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) and sub-section 2(A) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-29012/65/92-IR (Misc.) dated the 10th January, 1994.

SCHEDULE

"Whether the action of the management of U.C. Mine in retiring Shri Bigeshwari Prasad Singh, Mine Foreman as per the Standing Order and Regulations applicable to M/s. Bihar State Mineral Development Corporation without adopting Metalliferous Mines Regulations is justified? If not to what relief the workmen is entitled?"

2. Soon after the receipt of the order of reference notices were duly served upon the parties. But neither of the parties turned up nor took any steps. Thereafter several adjournments were granted to the parties and then again notices were served upon them. But in spite of the issuance of notices to them again and again none of them appeared before this Tribunal nor took any steps. It therefore leads me to as inference that presently there is no dispute existing between them. In the circumstances, I find no other alternative but to pass a 'No dispute' Award in this reference.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 1998

का प्र. 2399:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापतनम डॉक लेबर बोर्ड के प्रवक्तृत्व के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुसन्ध में निश्चित औद्योगिक विवाद में औद्योगिक अधिकरण, विशाखापतनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-98 को प्राप्त हुआ था।

[सं. एल.-34012/1/98-आई.प्रार. (विधि)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 26th October, 1998

S.O. 2399.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Visakhapatnam Dock Labour Board and their workman, which was received by the Central Government on 26-10-1998.

[No. L-34012/1/98-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT VISAKHAPATNAM

PRESENT :

Sri K. Satyanand, B.Sc., LL.M. Chairman and Presiding Officer.

Monday, the 21st day of September, 1998

I.T.I.D. No (C) 15/95

BETWEEN

P. D. Sundara Rao,
D. No. 49-25-36,
Akkayyapalem,
Visakhapatnam

.. Workman.

AND

Deputy Chairman,
Visakhapatnam Dock Labour Board,
Visakhapatnam

.. Management

This dispute coming on for final hearing before me in the presence of Sri M. S. Sastry, Advocate for workmen and Sri D. V. Subbarao, Advocate for management, upon

hearing the arguments of both sides and on perusing the entire material on record, the court passed the following :

AWARD

1. This is an industrial dispute that came up before this Tribunal on a reference made by the Government of India casting the terms of reference as under :

"Whether the action of the management of Visakhapatnam Dock Labour Board in terminating the services of Sri P. D. Sundara Rao, ex-tally Clerk is justified? If not, to what relief the workman concerned is entitled to?"

2. The facts of the case as culled out from the statements of the workman on one hand and the management on the other are briefly as follows :

The workman joined the service of the management nearly 20 years ago as a Folly Clerk. He claimed to have worked delectantly for the management all these years. It seems in May, 1985 the family of the workman not with a motor vehicle accident resulting in an injury to the workman and another person. It seems he was also mentally shocked on account of that accident. It all led to the dwindling of his Health. He therefore claimed to have sent a sick leave application. In November, 1985 while he was taking treatment he developed amoebic dysentery and therefore sent another leave letter. Thus, he claimed to have sent leave letter after leave letter on medical grounds and ultimately the fit certificate claiming permission to resume. It seems the management did not give any response. On the other hand, in 1986 August, the management sent a letter asking him to vacate the quarters on the ground of removal of his name off the rolls. The workman claimed to have given a reply telling the management that he had submitted medical certificate and leave applications etc. and asking for reinstatement. The management sent a regret letter. Thereupon the workman got issued a lawyer's notice and the management gave a false reply. Then he raised a dispute and ultimately the matter developed into the present industrial dispute. According to workman the termination is totally invalid. He therefore sought an order for his reinstatement etc.

3. The management resisted the claim saying that his removal was valid as per clause 21(b) of the Standing Orders applicable to Daily workers who if absence himself for eight consecutive days shall be deemed to have left the service. In other words according to the management this workman was a daily wage worker and his absence entailed in automatic retrenchment. Then the management tried to narrate his previous record of frequent absenteeism. The management also claimed that the termination order was duly served upon him.

4. Obviously this is a case of no domestic enquiry, the management tried to project the case as a termination simplifier but it changed its mind and sought permission of this court on 22-4-98 to adduce evidence obviously to justify the termination on the ground of the misconduct of absenteeism. This court granted permission. So the management examined its witness in the first instance, as, naturally, it is the management that has first adduce evidence in cases of discharge by way of punishment without domestic enquiry. The management examined its Labour Officer as MW-1. He marked Ex. M-1 to M-10. Ex. M-2 is the termination order. The management failed to mark the order of termination. Obviously because there was no order of termination. It simply addressed a letter to the workman on 7-11-86 marked as Ex. M-10 which simply informed the workman that his request for reinstatement was regretted. Strictly speaking Ex. M-10 does not make any sense. It is not understandable how the request for reinstatement can be regretted.

5. The workman on the other hand, examined himself as WW-1 and marked Exs. W-1 to W-13. In fact, he relied upon Exs. W-2, W-3, W-4 etc. to any that his absenteeism was actuated by sickness and that latter he became fit. He

duly approached the management for reinstatement and by refusing reinstatement, the management constructively discharged him from service. Heard both sides.

6. The points that arise for consideration are :

- (1) Whether the termination of the workman is valid ?
- (2) To what relief ?

7. Point No. 1.—This is a case of termination which the management in the first instance tried to over simplify by resorting to the provisions of the Visakhapatnam Dock Workers (Regulation of Employment) Scheme, 1959. It attempted to say that the workman was merely a daily wage worker by adverting to Section 3 clause (f) of the scheme and on that basis apply clause 21(b) of the Standing Orders if we go by the pleadings in the so called counter. But the service under the management is not governed by any Standing Orders if we go merely by the compilation of the Dock Workers (Regulation of Employment) Act, 1948 and schemes and rules framed thereunder. Perhaps that was the reason why MW-1 marked Standing Orders separately in Ex. M-8 and then relied upon 21(a). In other words for the purpose of the definition of daily wage workman the management relied upon 1959 scheme mentioned above and for the purpose of the fiction of the discharge it relied upon the Standing Orders marked as Ex. M-8. No doubt the 1959 scheme regulations can be relied even according to preamble of the Ex. M-8 wherever the Standing Orders are silent on a given subject. 1959 scheme, Section 2(3)(F) defined daily wage worker as a registered Dock Worker who was not a monthly worker. But the Standing Order No. 5 came up with its classification of workman and a registered Dock Worker coming within the definition of daily worker is redefined as reserved poor worker. It is not the case of the management that this workman was a reserved poor worker. On the other hand, it is there in the evidence of MW-1 that the workman joined the service of the management as a casual tally clerk in the year 1969 and was later regularised. This clearly shows that this workman can by no means be denigrated as merely a daily worker. After all the provisions of the Standing Order 21 apply only a daily workers. In other words the management wrongly relied upon 21(b) to terminate this workman. This is the type of justification for the termination of the workman that was being offered by the management. I have no hesitation to hold that this justification has no legs to stand. This workman was evidently a permanent workman and even if we assume for a moment that he remained absent unauthorisedly the management has no business to terminate his services summarily by invoking a fiction of law that too inapplicable to the category of employer that this workman precisely belonged to. If really the workman was guilty of misconduct of absenteeism, the management ought to have taken all the steps to adhere to the law, principles of natural justice signified by a domestic enquiry with proper opportunity to the workman. All these are missing in this case and the management tried to over-simplify the termination which will never be countenanced in a court of law. Thus, the termination of the workman is totally illegal. The learned counsel for the workman rightly relied upon two very relevant decisions. He relied upon 1996(3) ALT 1986 between T. Jagadiswara and The Manager, The Madanapalli Spinning Mills and another to say that the summary rejection on the part of the management without considering his representation embodying the facts especially of his sickness explaining his absence and seeking reinstatement is bad. He also relied upon AIR 1985 SC 1128 between Chanda Lal, and the Management of M/s. Pan American World Airways Inc. to say that domestic enquiry was a must when termination cannot be validly shown as coming under the meaning of retrenchment defined in Section 2(oo). This obviously not a retrenchment and on the other hand, this is a case of discharge by way of punishment for the so-called absenteeism. The mind of the management is very clear in this regard in as much as it tried to harm very much upon the previous bouts of absenteeism on the part of the workman as projected through its own Exs M2 to M7. That means the management in fact wanted to punish him but without going through all that cumbersome procedure. It obviously wanted to over-simplify it by invoking a wrong provision to bring about a constructive retrenchment which itself is outside the purview of retrenchment and very much inside the orbit of disciplinary action. In these circumstances, the termination

of the workman which is the cumulative effect of the refusal on the part of the management, is liable to be quashed. Thus, the termination of the workman is declared as illegal and consequently set aside.

(8) Point No. 2 : In view of the findings supra the reference is answered holding that the termination of the workman is illegal and directing the management to reinstate the workman with full back wages. The management is also directed to pay to the petitioner a sum of Rs. 500 (Rupees five hundred only) by way of costs. The industrial dispute is disposed of accordingly.

Dictated to steno transcribed by her given under my hand and seal of the court this the 21st day of September 1998

K. SATYANAND, Presiding Officer

APPENDIX OF EVIDENCE IN I.T.I.D. (C) NO. 15/95

WITNESSES EXAMINED

For Workman :

WW1—P. D. Sundar Rao.

For Management :

WW1—Prabhakara Rao.

DOCUMENTS MARKED

For Workman :

Ex. W1—Merit certificate.

Ex. W2—Leave application.

Ex. W3—Copy of medical certificate.

Ex. W4—Leave application.

Ex. W5/1-2-85—Sick application.

Ex. W6/8-8-86—Letter to workman by Admn. Officer.

Ex. W7/27-8-86—Reply of the workman to the management.

Ex. W8—2-4-98—Lawyer notice.

Ex. W9/6-6-98—Reply to lawyer notice.

Ex. W10/11-3-93—Mercy petition.

Ex. W11/6-9-93—Reply by management to mercy petition.

Ex. W12/13-5-86—Fit certificate.

Ex. W13/31-8-86—Fit certificate.

For Management :

Ex. M1/6-5-68—Appointment letter of workman.

Ex. M2/1-8-75—Termination orders.

Ex. M3/14-8-75—Reinstatement orders of workman.

Ex. M4/20-4-81—Notice issued by management.

Ex. M5/21-12-83—Notice issued by management.

Ex. M6/14-5-85—Notice issued by management.

Ex. M7/23-12-85—Notice issued by management.

Ex. M8 —Standing Orders.

Ex. M9/14-7-86—Representation letter of workman.

Ex. M10/7-11-86—Letter of management to workman.

नई दिल्ली 29 अक्टूबर, 1998

का. आ. 2400:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राष्ट्रीय इस्पात, विगम लि. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-10-98 को प्राप्त हुआ था।

सं. एल.-26011/10/96-आई. आर. (विविध)]

डी. एम. डेविड, हेड ऑफिसरी

New Delhi, the 29th October, 1998

S.O. 2400.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Rashtriya Ispat Nigam Ltd., and their workman, which was received by the Central Government on 29-10-98.

[No. L-26011/10/96-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

Industrial Dispute No. 4 of 1997

PRESENT :

Sri C. V. Raghavaiah, B.Sc., B.L., Industrial Tribunal-I.
Dated, 25th day of June, 1998

BETWEEN

1. The Joint Secretary, Steel Plant Employees Union, Jaggaiahpet.
2. The Convener, Steel Plant Employees Union, Madharam.
3. The General Secretary, V.S.P. Mines Employees Union, Jaggaiahpet. . . Petitioners

AND

The Managing Director-cum-Chairman,
Rashtriya Ispat Nigam Limited,
Visakhapatnam Steel Plant,
Visakhapatnam. . . Respondent.

APPEARANCES :

Sri G. Vidya Sagar, Advocate for the Petitioner.
Sri C. R. Sridharan, Advocate for the Respondent.

AWARD

The Government of India, New Delhi by its Order No. L-26011/10/96-IR(Misc.) dated 13-1-97 made a reference to this Tribunal under Section 10(1)(d) and Section 2(A) of the I.D. Act, 1947 for adjudication of Industrial Dispute mentioned in Schedule which reads as follows :

Demand Nos. 1 and 2.—“Whether the demand of the union for payment of introduction of incentive scheme and mining allowance to the workmen is justified? If so, what directions are necessary in the matter?”

Demand No. 4.—“Whether the demand of the union for reducing the working hours in a week is justified? If so, what directions are necessary in the matter?”

Demand No. 11.—“Whether the demand of the union for payment of agency allowance in the mine site at Yellandu area is justified? If so, what differences are necessary in the matter?”

After receipt of the notice issued by this Tribunal, both the parties appeared. The petitioner filed claim statement and the respondent filed a counter on 10-6-97. The matter was posted to enquiry on 29-4-98 and M. Subbamma, Workman was examined as WW1 and Exs. W1 to W5 are marked on her behalf. She was called for continuation of her evidence on 15-6-98. But the petitioner and his counsel did not evince any interest to prosecute the matter.

3. On a perusal of docket sheet from 15-6-98 to 25-6-98, it can be seen that the petitioner is not evincing any interest either to adduce further evidence or to prosecute the matter. Therefore there is no option except to close the reference. Hence, the I.D. is closed.

Given under my hand and the seal of this Tribunal, this the 25th day of June, 1998.

C. V. RAGHAIAH, Industrial Tribunal-I

APPENDIX OF EVIDENCE

Witnesses Examined for the petitioner : Witnesses Examined for the respondent.

W.W.1 M. Subbamma.

NIL

Documents marked for the Petitioner/Workmen :

- Ex. W1—Representation given by the V. S. P. Mines, Employees Union, to the Dy. Director, Mines Safety, Hyderabad.
- Ex. W2—Representation made to ACL by the Union dated 10-10-96.
- Ex. W3—Representation made to the Dy. Personal Manager of Visakhapatnam Steel Plant, Jaggaiahpet. dt. 10-11-96.
- Ex. W4—Circular regarding payment of incentive, dated 15-10-96.
- Ex. W5—Xerox copy of the Attendance register maintained for WW1.

नई दिल्ली, 29 अक्टूबर, 1998

का. आ. 2401:—श्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाराष्ट्र स्टेट मार्टनिंग कॉरप. लि. (श्रौर) से. आनंद एंटरप्राइजेस के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रौद्योगिक विवाद में केन्द्रीय सरकार श्रौद्योगिक अधिकरण, सं. -2, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-10-98 को प्राप्त हुआ था।

- सं. एल.-29012/25/97-आई. आर. (विविध)
- सं. एल.-29012/26/97-आई. आर. (विविध)
- सं. एल.-29012/27/97-आई. आर. (विविध)
- सं. एल.-29012/28/97-आई. आर. (विविध)
- सं. एल.-29012/29/97-आई. आर. (विविध)
- सं. एल.-29012/30/97-आई. आर. (विविध)
- सं. एल.-29012/31/97-आई. आर. (विविध)
- सं. एल.-29012/32/97-आई. आर. (विविध)
- सं. एल.-29012/33/97-आई. आर. (विविध)
- सं. एल.-29012/34/97-आई. आर. (विविध)
- सं. एल.-29012/35/97-आई. आर. (विविध)
- सं. एल.-29012/36/97-आई. आर. (विविध)
- सं. एल.-29012/37/97-आई. आर. (विविध)
- सं. एल.-29012/38/97-आई. आर. (विविध)
- सं. एल.-29012/39/97-आई. आर. (विविध)
- सं. एल.-29012/40/97-आई. आर. (विविध)
- सं. एल.-29012/41/97-आई. आर. (विविध)
- सं. एल.-29012/42/97-आई. आर. (विविध)

सं. एल.-29012/43/97-आई. आर. (विविध),
 सं. एल.-29012/44/97-आई. आर. (विविध),
 सं. एल.-29012/45/97-आई. आर. (विविध),
 सं. एल.-29012/46/97-आई. आर. (विविध),
 सं. एल.-29012/47/97-आई. आर. (विविध),
 सं. एल.-29012/48/97-आई. आर. (विविध),
 सं. एल.-29012/49/97-आई. आर. (विविध),
 सं. एल.-29012/50/97-आई. आर. (विविध),
 सं. एल.-29012/51/97-आई. आर. (विविध),
 सं. एल.-29012/52/97-आई. आर. (विविध),
 सं. एल.-29012/53/97-आई. आर. (विविध),
 सं. एल.-29012/54/97-आई. आर. (विविध),
 सं. एल.-29012/55/97-आई. आर. (विविध),
 सं. एल.-29012/56/97-आई. आर. (विविध),
 सं. एल.-29012/57/97-आई. आर. (विविध),
 सं. एल.-29012/58/97-आई. आर. (विविध),
 सं. एल.-29012/59/97-आई. आर. (विविध),
 सं. एल.-29012/60/97-आई. आर. (विविध),
 सं. एल.-29012/61/97-आई. आर. (विविध)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 29th October, 1998

S.O. 2401.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Maharashtra State Mining Corp. Ltd., M/s. Anand Enterprises and their workman, which was received by the Central Government on 29-10-98.

[No. L-29012/25/97-IR(Misc.),
 No. L-29012/26/97-IR(Misc.),
 No. L-29012/27/97-IR(Misc.),
 No. L-29012/28/97-IR(Misc.),
 No. L-29012/29/97-IR(Misc.),
 No. L-29012/30/97-IR (Misc.),
 No. L-29012/31/97-IR(Misc.),
 No. L-29012/32/97-IR(Misc.),
 No. L-29012/33/97-IR(Misc.),
 No. L-29012/34/97-IR(Misc.),
 No. L-29012/35/97-IR(Misc.),
 No. L-29012/36/97-IR(Misc.),
 No. L-29012/37/97-IR(Misc.),
 No. L-29012/38/97-IR(Misc.),
 No. L-29012/39/97-IR(Misc.),
 No. L-29012/40/97-IR(Misc.),
 No. L-29012/41/97-IR(Misc.),

“Whether the action of M/s. Anand Enterprises, Gondia, Dist. Bhandara, a contractor of the Principal Employer of M/s. Maharashtra State Mining Corp. Ltd., Nagpur, in termination the services of Shri Sukhran Dadu Chouhan, a contract Labour w.e.f. 8-11-1996 is proper, valid and justified? If not, to what relief the workman is entitled to?”

2. The Government of India, Ministry of Labour by its order Nos:

- | | |
|----------------------------|----------------------------|
| 1. L-29012/57/97-IR (Misc) | Ref. No. CGIT-2/36 of 1997 |
| 2. L-29012/60/97-IR (Misc) | Ref. No. CGIT-2/37 of 1997 |
| 3. L-29012/55/97-IR (Misc) | Ref. No. CGIT-2/38 of 1997 |
| 4. L-29012/59/97-IR (Misc) | Ref. No. CGIT-2/39 of 1997 |
| 5. L-29012/61/97-IR (Misc) | Ref. No. CGIT-2/45 of 1997 |

No. L-29012/42/97-IR(Misc.),
 No. L-29012/43/97-IR(Misc.),
 No. L-29012/44/97-IR(Misc.),
 No. L-29012/45/97-IR(Misc.),
 No. L-29012/46/97-IR(Misc.),
 No. L-29012/47/97-IR(Misc.),
 No. L-29012/48/97-IR(Misc.),
 No. L-29012/49/97-IR(Misc.),
 No. L-29012/50/97-IR(Misc.),
 No. L-29012/51/97-IR(Misc.),
 No. L-29012/52/97-IR(Misc.),
 No. L-29012/53/97-IR(Misc.),
 No. L-29012/54/97-IR(Misc.),
 No. L-29012/55/97-IR(Misc.),
 No. L-29012/56/97-IR(Misc.),
 No. L-29012/57/97-IR(Misc.),
 No. L-29012/58/97-IR(Misc.),
 No. L-29012/59/97-IR(Misc.),
 No. L-29012/60/97-IR(Misc.),
 No. L-29012/61/97-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
 TRIBUNAL NO. II, MUMBAI

PRESENT:

Shri S. B. Fanse, Presiding Officer.

Reference Nos. CGIT-2/35 to 39 of 1997

CGIT-2/43 to 45 of 1997

CGIT-2/53 to 69 of 1997

Employers in relation to the Management of Maharashtra
 State Mining Corp. Ltd.

AND

M/s. Anand Enterprises.

AND

Their Workmen.

APPEARANCES:

For Management No. 1 : Mr. Govind Mishra, Advocate.
 Management No. 2 : Mr. D. M. Kakani, Advocate.

For the Workmen : Ms. Sulekha Kumbhare, Advocate.
 Mumbai, dated 25th September, 1998

AWARD

The Government of India, Ministry of Labour by its Order No. L-29012/56/97-IR(Misc.), dated 16-9-97 (Reference No. CGIT-2/35 of 1997) in exercise of the powers conferred by clause (a) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 had referred to the industrial dispute to this Tribunal for adjudication. The Schedule,

dated 16-9-97 had referred the dispute of all the above named workmen for adjudication.

3. The Government of India, Ministry of Labour by its Order Nos.

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| 6. L-29012/54/97-IR (Misc) | Ref. No. CGIT-2/43 of 1997 | Kishanlal Sevindar Patle |
| 7. L-29012/51 97-IR (Misc) | Ref. No. CGIT-2/44 of 1997 | Keshavram Dasaram Patle |

dated 17-9-97 had referred the dispute of all the above named workmen for adjudication.

4. The Government of India Ministry of Labour by its Order Nos:

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| 8. L-29012/26/97-IR (Misc) | Ref. No. CGIT-2/53 of 1997 | Tarachand Faglal Patle |
| 9. L-29012/25/97-IR (Misc) | Ref. No. CGIT-2/54 of 1997 | Chhatrapal Faglal Patle |
| 10. L-29012/28/97-IR (Misc) | Ref. No. CGIT-2/55 of 1997 | Nashikram Jaylal Patle. |
| 11. L-29012/31/97-IR (Misc) | Ref. No. CGIT-2/56 of 1997 | Kashiram Jaylal Patle. |
| 12. L-29012/32/97-IR (Misc) | Ref. No. CGIT-2/57 of 1997 | Kishore Sevekram Gharpinde. |
| 13. L-29012/33/97-IR (Misc) | Ref. No. CGIT-2/58 of 1997 | Kevalchand Rupchand Patle. |
| 14. L-29012/34/97-IR (Misc) | Ref. No. CGIT-2/59 of 1997 | Bhivlal Atram Baghele. |
| 15. L-29012/35/97-IR (Misc) | Ref. No. CGIT-2/60 of 1997 | Bhojrag Modku Gharpinde. |
| 16. L-29012/39/97-IR (Misc) | Ref. No. CGIT-2/61 of 1997 | Naresh Sukhram Baghele. |
| 17. L-29012/42/97-IR (Misc) | Ref. No. CGIT-2/62 of 1997 | Harichand B. Thembhare. |
| 18. L-29012/45/97-IR (Misc) | Ref. No. CGIT-2/63 of 1997 | Tilakchand Rupchand Patle. |
| 19. L-29012/48/97-IR (Misc) | Ref. No. CGIT-2/64 of 1997 | Sukhram Sapkan Bhadele. |
| 20. L-29012/50/97-IR (Misc) | Ref. No. CGIT-2/65 of 1997 | Sevakram Dasaram Patle. |
| 21. L-29012/52/97-IR (Misc) | Ref. No. CGIT-2/66 of 1997 | Madhukar Dayaram Gharpinde. |
| 22. L-29012/53/97-IR (Misc) | Ref. No. CGIT-2/67 of 1997 | Manikchand Rupchand Chauhan. |
| 23. L-29012/58/97-IR (Misc) | Ref. No. CGIT-2/68 of 1997 | Karu Sukha Thakre. |
| 24. L-29012/37/97-IR (Misc) | Ref. No. CGIT-2 69 of 1997 | Janaklal Faglal Badle. |

dated 29-9-97 had referred the dispute of all the above named workmen for adjudication.

5. The Government of India, Ministry of Labour by its Order Nos:

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| 25. L-29012/27/97-IR (Misc) | Ref. No. CGIT-2/79 of 1997 | Sriram Hagru Chauhan. |
| 26. L-29012/46/97-IR (Misc) | Ref. No. CGIT-2 80 of 1997 | Bhomeshwar Manirani Chauhan. |
| 27. L-29012/30/97-IR (Misc) | Ref. No. CGIT-2/81 of 1997 | Rupchand Medkar Chauhan. |
| 28. L-29012/44/97-IR (Misc) | Ref. No. CGIT-2/82 of 1997 | Ramesh Mayram Patale. |
| 29. L-29012/47/97-IR (Misc) | Ref. No. CGIT-2/83 of 1997 | Hivraj Hagru Chauhan. |
| 30. L-29012/49/97-IR Misc) | Ref. No. CGIT-2/84 of 1997 | Dharmaraj Gyanaram Chauhan. |
| 31. L-29012/43/97-IR (Misc) | Ref. No. CGIT-2/85 of 1997 | Surajilal Parshram Chauhan. |
| 32. L-29012/40/97-IR (Misc) | Ref. No. CGIT-2/86 of 1997 | Fekbchand Purshram Chauhan. |
| 33. L-29012/29/97-IR (Misc) | Ref. No. CGIT-2/87 of 1997 | Ramratam Charitram Pendre. |
| 34. L-29012/38/97-IR (Misc) | Ref. No. CGIT-2/88 of 1997 | Sukhdeo Dadu Chauhan. |
| 35. L-29012/41/97-IR (Misc) | Ref. No. CGIT-2/89 of 1997 | Hiralal Maharaj Lanzekar. |

dated 22-10-97 had referred the dispute of all the above named workmen for adjudication.

7. In all these references the schedules are the same except the name of the worker. For convenience sake I had given one schedule in the beginning.

8. The order of reference was sent to this Tribunal, Chairman-cum-Managing Director, Maharashtra State Mining Corporation Ltd. (herein after referred to as M.S.M.C. Ltd.), M/s. Anand Enterprises and thirdly to the workman concerned. The workman filed Statement of Claims which are identical in all matters. But, in clause titled in some matters he had referred to Party No. 1 as (A) Maharashtra State Mining Corpn. Ltd.; (B) Mines Manager, Maharashtra State Mining Corpn.; (C) M/s. Anand Enterprises and in some statement of claim he had deleted Mines Manager. The M.S.M.C. and Mines Manager have filed common Written Statement. The Written Statements filed by the M.S.M.C. is identical in all matters. M/s. Anand Enterprises has also filed identical written statements in all matters.

9. The parties to this reference filed a prushis (Ex-34) contending that the documents which are filed in Reference No. 35 of 1997 to be read in all remaining references.

10. Ms. Kumbhare, the Learned Advocate who represents all workmen in these references filed a prushis Exhibit-35. She contended that the evidence recorded in Ref. No. 89 of 1997 to be considered for all workers. There is no objection on behalf of the M.S.M.C. Ltd. and M/s. Anand Enterprises.

11. The facts and law involved in all these matters is one and the same. In view of the details given above I intend to dispose off all these references by common Award.

12. The workmen in the Statement of Claim contended that they are working with Party No. 1 as a labourer at the rate of Rs. 33 per day since 17-1-94. They have attended more than 240 days in every year's service. The wages paid to them are much less than the prescribed wages.

13. The workmen made a representation to the Assistant Labour Commissioner raising number of grievances and unfair Labour Practice adopted by Party No. 1 on 14-10-96. The authority then issued notices to Party No. 1 calling their remarks on the same. Party No. 1 immediately after receipt of the notices orally terminated the services of these workmen without assigning any reasons on 8-11-96. It is averred that Party No. 1 did not comply with any legal provisions of law while they terminated their services. They were not given one month's notice nor notice pay nor retrenchment compensation.

14. The workmen pleaded that M/s. Anand Enterprises was the contractor of M.S.M.C., the Principal Employer. They worked between 17-1-94 to 7-11-96 continuously without break in service. It is averred that the work is all the time available with the Principal Employer. Since they launched the complaint they were terminated. It is submitted that the Principal Employer had engaged number of new persons through contractor. It is therefore, the complaint was made to Assistant Labour Commissioner again. For all these reasons it is prayed that the reference may

be answered in the affirmative directing party No. 1 to reinstate party No. 2 in service with full back wages and extend all the benefits from retrospective effect. They also prayed for the costs.

15. The Maharashtra State Mining Corporation and its Manager by their Written Statement contended that they are holding the mining lease at Village : Kurshipur Distt. Bhandara, Tahsil : Goregaon for exploration of low grade Iron ore. M/s. Anand Enterprises of Bondiya contractor works for intermittent rising of low grade Iron ore. There is absence of regular market for it. The work was carried on the site intermittently. The last term of agreement was from 14-9-96—13-12-96. It is averred that the Mine has been sub-let from May '97 to a third party with due approval of Board of Directors Government of Maharashtra and Government of India.

16. It is pleaded that all dues are paid to the workers as per the requirement of the law. It is averred that the workmen never completed 240 days continuously in one full year, and as such the provisions of Section 25F of the Industrial Disputes Act, 1947 does not comply. It is averred that the provisions of the contract labour (Violation and Regulations) Act of 1971 is not applicable in the instant reference. It is denied that the workmen were not receiving the Minimum wages. It is prayed that the reference may be answered in the negative.

17. M/s. Anand Enterprises, the contractor resisted the claim by the Written Statement. It is contended that none of these workers have completed 240 days in a year. It is denied that they were being paid at the rate of Rs. 33/- per day. It is averred that they were paid according to the provisions of the Minimum Wages Act since the engagement which was for a specific period. It is averred that no Unfair Labour Practice was adopted by it. It is submitted that he was engaged for a specific period and therefore the question of issuing one month's notice or the notice pay in lieu of one month's notices does not arise. So also the question of payment of retrenchment compensation does not arise.

18. It is pleaded that the workmen were engaged on a work which was not of a permanent nature and it was a intermittent which is extremely of casual nature. The contract was terminated w.e.f. 31-10-96. So the question of reinstatement of the workers does not arise at all. It is averred that the questions of continuous service does not arise as the contractor had not received any contract continuously from Maharashtra State Mining Corpn. for entire 12 months. It is pleaded that the workmen never put continuous service for 240 days in a year. It is submitted that it required 18 to 19 workers daily for doing the work which was allotted to it. It is averred that the workmen are governed by section 2(oo)(bb) of the Industrial Disputes Act of 1947. It is because they were engaged for a specific period and the engagement was of a contractual nature. It is denied that the services of the workmen were terminated w.e.f. 8-11-96 because it came to an end on 31-10-96. It is therefore the reference itself is wrong in law.

19. The issues and the findings there on are as follows :

Issues	Findings
1. Whether the workmen proves that he was serving with Maharashtra State Mining Corpn. as a labourer continuously for more than 240 days in a year ?	No.
2. Whether his termination for non compliance of section 25F of the Industrial Disputes Act of 1947 is legal and justified ?	Does not survive.
3. Whether the contract of M/s. Anand Enterprises the contractor has been terminated w.e.f. 31-10-96?	Yes.
4. Whether the workman engaged by the contractor was governed under section 2(oo)(bb) of the Industrial Disputes Act of 1947?	Yes.
5. Whether the action of M/s. Anand Enterprise, Bondiya, Distt. Bandara the contractor of the principal employer of M/s. Maharashtra State Mining Corpn. Limited Nagpur in terminating the service of the workman the contract labour is legal and justified?	Yes.
6. If not, to what relief the workman is entitled to ?	Does not survive.

REASONS

20. Hiralal Maharaj Lanzewar (Ex-36) the workman in Reference No. CGIT-2/89 of 1997 has deposed for all the workmen. He refers to M.S.M.C. Ltd.; its Manager and M/s. Anand Enterprises as Party No. 1. He relied upon the documents filed as Exhibits-14 and 28.

21. Pranavesh Chandra Chakraborty, the Additional General Manager of M.S.M.C. Ltd. lead oral evidence for it and relied upon the documents filed at Exhibit-12 and letter produced along with his affidavit.

22. Ramavatar Ravindra Sharma (Ex-39) proprietor of M/s. Anand Enterprises lead oral evidence and relied upon the documents at Exhibit-32.

23. M.S.M.C. Ltd. is a principal employer. It quotes the mining lease at Village Kursipar; Distt. Bhandara, Tahsil : Goregoan for exploration of low grade Iron Ore. There is absence of regular market of low grade Iron Ore. The work is carried out intermittently as per the requirement.

24. M/s. Anand Enterprises is a contractor and deals with exploration of low grade Iron Ore as per the contract from the Mine at Village : Khurshipar.

25. Lanzewar (Ex-36) affirmed that all these workmen were appointed as labourers since January 17th 1994 at the rate of Rs. 33/- per day till 8-11-96.

It is a continuous service. He affirmed that they approached the Assistant Labour Commissioner, Nagpur on 14-10-96 (Ex-25). They made a representation to the Assistant Labour Commissioner contending that they were not paid proper wages, they were not provided with helmets and their service conditions are not proper. He affirms that the Assistant Labour Commissioner in his term called the remarks of Party No. 1. When it received the same it orally terminated their service, on 8-11-96. Except from the oral testimony of Lanzewar no documentary evidence is produced by the workman to show that they are in continuous employment that is more than 240 days in a year with party No. 1.

26. Pranavesh, the Additional Manager and Ramavatar the Proprietor corroborates each other and states that these workmen were never employed continuously from 17-1-94 onwards. They never completed 240 days in a year. It is because M/s. Anand Enterprises never received the contract for a year.

27. Lanzewar in his cross-examination admits that they never complained in respect of the wages and they received the wages till 31-10-96. He affirms that a notice was given to the contractor and the company after their removal. Obviously he refers to the representations made to Regional Labour Commissioner dtd. 14-10-96 (Ex-25). He denies to have signed the representation. But that appears to be without any merit. In paragraph-7 of this representation it is categorically mentioned by these workers 'that in order to deprive the workmen from continuity of service and further to deprive them from the benefits and privileges of the permanent employees the enlisted workers are given artificial gap of alternate one month, for example the workers who are engaged in the previous month are given gap in the current month and the workers working in the current month will be given gap in the next month.' That itself supports the case of the management that they were not in continuous service of 240 days.

28. Ramavatar and Pranavesh supports each other and affirms that the contract of exploration of low grade iron ore was given in phases. So far as these agreements are concerned Lanzewar had no knowledge. Exhibit-15 is an agreement dated 17-12-93 up to June '94, and the quantity to be explored was 2000 Metric Tonnes. This agreement was of 6-1/2 months. Clause-1.7 states that tenure of the contract would mean the period during which the contract agreement would remain valid. The period has been specifically mentioned in clause-(a). Clause-8.1 states that the agreement usually remained valid up to June '94 or raising of a total quantity of 2000 m.t. of iron ore whichever is earlier. Clause-8.2 states that in case it becomes necessary to be foreclose the contract due to the Government resolution/orders direction no compensation would be payable by M.S.M.C. to the contractor and vice-versa and the contract usually has been terminated forth with. After its contract was over the parties entered into another contract.

29. On 16-7-94 by a document called Extension of Agreement (Ex-16) the contract was given to explore 4000 m.t. upto 31-3-95. Again by supplementary

agreement (Ex-17) dated 16-12-94 a contract to explore 10,000 m.t. was given to M/s. Anand Enterprises and which was to be completed on 31-3-95. It is pertinent to note that it is mentioned in these agreements that the terms of the contract remains the same like that of contract dated 17-12-93.

30. The after by a letter dtd. 3-5-95 (Ex-18) M.S.M.C. gave a contract to M/s. Anand Enterprises to explore 2400 m.t.'s of Iron ore till middle of September 1995. The work was not completed. It is therefore on the application of M/s. Anand Enterprises M.S.M.C. gave extension of ten days i.e. till 30-9-95 (Ex-19). It appears that the work was not completed. Again by letter (Ex-20) dated 30-9-95 three months time i.e. up to 31-12-95 was granted to take out remaining 1000 m.t. of iron ore out of 2400 iron ore remained to be explored.

31. On 29-1-96 (Ex-21) a contract was given to M/s. Anand Enterprises to raise iron ore to the tune of 2000 m.t.'s till 28-4-96. Then again by an extension of agreement (Ex-23) dtd. 29-1-96 within a period of three months 2000 metric tonnes of Iron Ore was to be raised by M/s. Anand Enterprises. It is pertinent to note that in Ex-22 it is mentioned that the time limit of the earlier agreement dtd. 17-12-93 was extended from time to time up to 31-12-95 for raising a total of 10,000 tonnes of iron ore. This appears to be incorrect. The reason being that after calculation of the raising of the iron ore by the earlier agreements it crosses the limit of 10,000. Further more the different agreements speaks the gap between the two agreements. It is therefore it cannot be said to be in continuation as stated in Ex-22. Pranavesh and Ramavatar both affirmed that it was not a continuous agreement but the agreement was for a particular period for raising a particular quantity of iron ore.

32. By a letter dtd. 18-4-96 (Ex-23) M/s. Anand Enterprises was given a contract to take out iron ore at the rate of 500-550 m.t. per month within three months. The contract was over on 27-7-96. Thereafter by a letter dtd. 6-9-96 (Ex-6) a contract was given to raise 2000 m.t. of iron ore between 14-9-96 to 13-12-96. I may repeat that in all these letter-con-agreements there is a reference of first agreement dtd. 17-12-93 and the terms mentioned there in. I have already produced the terms tenure of contract mentioned in it. Both the management witnesses affirmed that even though the last contract was to end on 30-12-96 it ended on earlier date i.e. on 31-10-96 as the work was over. According to Ramavatar as the work was over there was no reason to give a notice of termination to the workmen who were working at the relevant time. They were paid their wages. It is not in dispute that the workers received the wages till 31-10-96. No doubt no documents is produced by Ramavatar to show that he received the same certificate from the M.S.M.C. that the work was completed. But their appears to be no practice of such a nature. Further more he was not asked on behalf of the workman that whether he is ready to produce the same. As the manager of M.S.M.C. accepts that the contract was over on earlier date I do not find any reason to disbelieve them for coming to the conclusion that as the work of raising the quantity as per

the contract was complete the contract came to an end as per the definition of tenure of the contract.

33. Ramavatar affirms that he paid more wages than the Minimum Wages to the workers. Lanzewar never complained to anybody regarding receiving less wages. Ramavatar affirms that he had produced the joining report of 14 workers dtd. 1-7-96. It is at Ex-33, pgs. 113 to 130. Again the joining report of 19 workmen dtd. 14-9-96 is at Ex-33 pg. 133 to 145. It is mentioned in these applications that they are not in the work for last 1-1/2 month and they may be given work from 14-9-96. It can be seen that M/s. Anand Enterprises received the last contract on 14-9-96 and his earlier contract was over on 27-7-96. So far as the case of Hirulal Lanzewar is concerned he had given the application dtd. 17-8-94 (Ex-33/3) pg. 132 stating that he received an order from M/s. Anand Enterprises dtd. 16-8-94 and had joined the duties from 17-8-94. The workmen who are given the applications to join the duties from 1-7-96 (Ex-33/1) had categorically mentioned that they were not on duty from 1-6-96 to 30-6-96 and may be given job from 1-7-96. Lanzewar in his cross-examination had stated that he had not signed the application nor other workmen had signed those papers. But at the later stage he had affirmed that they had signed it when they were blank and later on they were filed by the management. This is a common story. If really that would have been the case that would have appeared in their representation to Assistant Labour Commissioner or they would have made complaint to the police or the M.S.M.C. authorities. They had not done so. It is obvious that he is deposing falsely to suit the purpose of all workmen. He cannot be relied upon.

34. So far the case of Lanzewar is concerned he admits his signature on Exhibit-25 which is a representation to Assistant Labour Commissioner. But he denied his signature on page. 105 (Ex-32) which is his joining report that he is joining duties from 1-3-94. He again accepts his signature on pg. 109 of Exhibit-32 which is a representation of Assistant Labour Commissioner. He denies his signature at Ex-26 which is a letter by all workmen to M.S.M.C. and M/s. Anand Enterprises the contractor. It is obviously false statement. Further more if the signatures are compared they appears to be of one man. Ramavatar deposed that whatever record he could trace out is produced by him. He denies the suggestion that after the reference he had prepared these documents to suit the purpose.

35. Ramavatar affirmed that at no time more than 18 to 19 workmen were employed to do the contract work. According to him none of them have completed 240 days in a year. He had produced the working days on the basis of the attendance and wage registers at Ex-32/1. He deposed that the originals are with him and infact those were shown to the other side. In paragraph-9 of Examination-in-Chief he had given details of working days of each of the workman. It can be seen that none of these workmen had completed 240 days prior to 30-6-96. Infact it is the case of Ramavatar and that of Pranavesh that at no time more than 18 to 19 workmen were employed. From perusal of this statement it reveals that

31-10-96 there were 18 workmen employed some of the worker had their last date of working as 27-7-96. He affirmed that those workmen were employed at different dates and their working period were also different. It is denied that all of them were employed on 17-12-93. At Ex-32/3 pgs. 38-106 he had produced the appointment letters and the conditions on which the appointment is given. These appointment letters are signed by the concerned workmen. It is categorically mentioned in these letters that the appointment is up to 30-9-94 or earlier is the work is completed. This is in accordance with the contract received by M/s. Anand Enterprises. No doubt Lanzewar had denied to have signed these appointment letters but it is a simple denial without any merit in it. In the written argument Ms. Kumbhare, the Learned Advocate for the workman argued that these workmen were employed by M.S.M.C. I am not inclined to accept this argument. It is admitted position from the voluminous documents on the record that M.S.M.C. Ltd. is the Principal Employer and M/s. Anand Enterprises is the contractor who appointed these workmen. Ramavtar affirms that the workmen never signed attendance register. He is not in a position to tell whether the Saturdays and Sundays and holidays are included in the working days mentioned by him. But according to him the working days which are produced by him are on the basis of the days for work. No termination notice was given to them as they were employed for a specific period or for a specific work. It is tried to suggest in the argument that if these holidays are taken into consideration it is clear that the workmen worked for more than 240 days in a year. Lanzewar had not affirmed that the documents which are produced on the record so far as their working days are concerned are not correct. I have already referred to the contracts and the period for which it was given. For all these reasons it has to be said that the workers engaged for a particular period and for raising the particular quantity of iron ore which ever is earlier.

36. One of the contention of the workmen is that after receipt of the notice from the Assistant Labour Commissioner calling the comments from Anand Enterprises he terminated their services w.e.f. 8-11-96 Ramavtar affirmed that it is false one and they received the notice from Assistant Labour Commissioner on 13-12-96. He produced the notice alongwith (Ex-32/3) and the envelope carrying that notice. The stamp on the envelope is dated 13-12-96. I therefore find that there is no merit that the services of these workmen were terminated after the receipt of the notice from the Assistant Labour Commissioner.

37. It is not in dispute that after the last contract dtd. 14-9-96 which was to come to an end on 13-12-96 but which came to an end on 31-10-96 in view of raising the required quantity as per the contract. No new contract was given to M/s. Anand Enterprises. It is their case that their case falls under section 2(oo)(bb). It is because these workmen were employed for a specific period and after completion of the contract no contract was given to them. Therefore this does not amount to retrenchment. It can be further seen that the workmen failed to prove that they were in continuous service for more than

240 days with reference to which the calculation is to be made viz. 31-10-96 as contemplated under section 25B of the Industrial Disputes Act of 1947. As such the provisions of Section 25F of the Act are not applicable. Pranavesh the Additional Manager affirms that with the approval of the Government of Maharashtra and from that of Central Government it to sub-let the mining lease to M/s. Kumodini Consultant Pvt. Ltd. for iron ore an area of 108.27 acres in village Klushipar, Tahsil Goregaon Distt. Bhadana. On its basis the M.S.M.C. Ltd. contained admittedly at present M/s. Kumodini Consultant Pvt. Ltd. having the sub-lease of that iron ore where these workmen were previously working. This is not dispute by Lanzewar. In other words today the Principal employer have not work to allot it to the contractor viz. Anand Enterprises or any other contractors. It is not the case that the Principal employers had given the contract to some body third person for carrying out the work.

38. The case which is made out by Lanzewar is that all of them are working in the mines from 17-12-93 to 8-11-96. I have already referred to above this claim is incorrect and cannot be accepted. On the other hand Ramavtar and Pranavesh affirms that at no time twenty or more than twenty workmen were employed by M/s. Anand Enterprises. From the testimony of Ramavtar and the documents which are produced on the record it reveals that there were 18 to 19 workmen employed by him at any single day. It is therefore, the provisions of the contract (Regulations and Abolition Act, 1970) had no application. Ms. Kumbhare, the Learned Advocate for the workman placed reliance on :

- (i) 1998 LIC Page 1370 (Delhi Multi-storied building employees Congress Vs. Union of India & Others).
- (ii) 1997 LIC 365 (Air India Statutory Corporation Vs. United Labour Union).
- (iii) 1995 LIC 2064 (Parimal Chandra Raha Vs. LIC of India).
- (iv) AIR 1994 Supreme Court page 1893 (Gujarat Electricity Board Vs. Hind Mazdoor Sabha).
- (v) AIR 1987 Supreme Court 777 (Catering cleaners of Southern Rly. Vs. Union of India).
- (vi) AIR 1960 Supreme Court 948 (The Standard Vacuum Refining Co. of India Ltd. Vs. Their workmen).

In those authorities Their Lordships have laid down the law relating to the Contract Labour Regulation and Abolition Act 1970 but for the reasons stated above these authorities had not application at all. In the Statement of Claim these workmen have not claimed wages for the period from 30-10-96 to 7-11-96. But, Lanzewar while deposing before the Tribunal affirmed that they did not receive the wages for that period and it may be awarded. It is the case of Ramavtar that they were not in employment after 31-10-96 as the contractor was over there is no question of making payment. I have already come to the conclusion that the contract was over on

31-10-96. It is therefore, the claim which is made by Lanzewar so far as the wages cannot be accepted.

39. It is tried to argue that even though Ramavtar affirmed that the Provident Fund amount was deducted from the wages and he deposited the same along with the contribution and a certificate was given to that effect to the Principal employer the account number is not given on the record. It is the fact. But that does not affect the merits of the case. At the most it has to be said that these workmen are entitled to the Provident Fund amounts which are deposited by this Contractor with the Provident Fund Commissioner. Pranavesh affirms that the payments were made to the contractor after receiving the certificate that they have followed all the requirements. In the argument it is tried to submit that after seeing the monthly statement of production and despatches it can be seen that the production per month as shown in the statement cannot be achieved only by engaging 19 workers on each day. There is no suggestion to Ramavtar to this effect. I am unable to accept it. For all these reasons I record my findings on the issues accordingly and pass the following order :

ORDER

The action of M/s. Anand Enterprises, Gondia, Dist. Bhandara, a contractor of the Principal Employer of M/s. Maharashtra State Mining Corporation Ltd., Nagpur in terminating the services of the workmen, the contract Labourers is legal and justified.

The contract labourers-workmens services were not terminated on 8-11-96 but it came to an end on 31-10-96 in view of completion of contract.

S. B. PANSE, Presiding Officer

Date : 25-9-98.

नई दिल्ली, 2 नवम्बर, 1998

का. आ. 2402:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साईसौर मिनरल लि. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलौर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-11-98 को प्राप्त हुआ था।

[सं. एल.-29012/105/94—आई. आर. (विविध)]
बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 2nd November, 1998

S.O. 2402.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Mysore Minerals Ltd., and their workman, which was received by the Central Government on 2-11-1998.

[No. L-29012/105/94-JR (Misc.)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT BANGALORE

Dated the 12th October, 1998

PRESENT :

Justice Shri R. Ramakrishna, Presiding Officer.

C. R No. 38/97

I PARTY

The General Secretary,
Mysore Minerals Employees Association,
No. 39, M.C. Road, Bangalore-1.

II PARTY

The Vigilance and Chief
Administrative Officer
Mysore Minerals Ltd.,
No. 39, M.C. Road, Bangalore-1.

AWARD

The Government of India having satisfied that an Industrial Dispute exists between the parties referred the same for adjudication.

SCHEDULE

"Whether the action of the Management of Mysore Minerals Limited in denying the designation of clerk and benefits accruing there to Sri P. K. Prakash is justified ? If not, to what relief he is entitled ?"

The reference was registered and notices were issued. The parties were represented and later failed to appear before this Tribunal.

On 25-9-98 the General Secretary of first party union appeared and he has been directed to file claim statement finally by 12-10-98. On 12-10-98 neither the General Secretary, nor the concerned workman were present before the Court. Therefore the Tribunal proceeded to reject the reference as there is no separate address of the workman to issue an individual notice to him.

In these circumstances the reference is rejected.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 27 अक्टूबर, 1998

का. आ. 2403:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू इंडिया एसोसिएस कम्पनी, के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-10-98 को प्राप्त हुआ था।

[सं. एल.-17011/1/92-आई आर(बी-II)]
सी. गंगधरन, डेस्क अधिकारी

New Delhi, the 27th October, 1998

S.O. 2403.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of New India Assurance Comp. and their workman, which was received by the Central Government on 23-10-98.

[No. L-17011/1/92-IR (B-II)]
C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 54/1992

In the matter of dispute between :
General Secretary,
General Insurance Employees Federation,
Northern Region, 30-Community Centre,
Naraina, New Delhi-110028.

VERSUS

Manager,
New India Assurance Company,
Level-V, 124, Jeevan Bharti,
Connaught Place,
New Delhi-110001.

APPEARANCES :

Shri Deepak Sharwal, Advocate for the Management.

Shri O. P. Rajodia for the Union.

AWARD

The Central Government of India in the Ministry of Labour, vide its Order No. L-17011/01/92-IR (B-II) dated 24-6-1992, has referred the following Industrial Dispute to this Tribunal for adjudication :—

“Whether the management of New India Assurance Company, is justified in not treating only the actual sitting in the competitive examination as one of the ‘attempts for appearing in competitive examination for promotion ? If not, to what relief are the concerned workmen entitled to ?”

2. It is stated by the union that in pursuance of its obligation to carry out the exercise of filling in the vacancies by promotion for the class III and IV employees, the management notified the promotional vacancies in various cadres, vide its circular No. CORP/Pers/FA/PVM/4/91, dated 18-1-1991 for the year 1991-1992. In the said notification, the management on its own motion appended it by abnoxious ruling that under the heading competitive examination (eligibility) “if an employee does not withdraw his/her application within the stipulated time, i.e. 20-2-1991, but fails to appear in the examination, then it would be deemed as one attempt and treated accordingly for eligibility for future promotion exercise”, which does not form part of the main promotion policy and the same resulted in grave detriment to the employees, who were otherwise eligible to compete in the written examination for promotion.

3. It is further stated by the Union that with the aforementioned insertion of the proviso, the employees, who have actually not appeared in the examination got their application counted as an “attempt” and were thus deprived of the chance to appear in the examination in the subsequent promotion. The promotion policy of G.I.S. of India as applicable to all its four subsidiary, stipulates that an employee shall be allowed to appear for not more than three occasions in the entire period of service for the competitive examination, which proviso had never been contested by the union, nor at any time made a subject matter of any dispute at any forum. It is alleged that the management specifically failed to differentiate between merely making an application for offering one's candidature for appearing in the competitive examination and actually appearing and making attempt thereof in the examination. It is further stated even the guiding instructions of the Government of India, issued in respect of the number of attempts availed by a candidate at Civil Service examination, including the I.A.S. examination etc., states that an attempt would be deemed to have been made if the candidate actually appears in the examination.

4. It is further stated by the union that the management, vide its letter dated 25-2-1991 addressed to the union, refused to concede the demand of the union that only actual appearance of the candidates should be deemed to be counted as an attempt and not by his merely making his application for offering his candidature to appear in the examination. However, the management in the said letter made oblique reference that the management could examine genuine cases of non-appearance if an employee makes a representation to this effect. But this too was of no avail as by the time this was communicated to the union, the promotional exercise for the subsequent orders was over, i.e. 1991 and the application of the candidates, who could not appear in the examination in the year 1990, was rejected by the management on the ground that they have already availed of three chances permitted to them to appear in the examination. It is further stated by the union that till date the said provision of making a representation of having failed to appear in the examination by the candidates, has not been notified by the management, except by a communication to the union with the result that in all the subsequent examinations, no candidate was aware that there exists a provision of making representation. The union has claimed appropriate relief on the said ground.

5. In their written statement, the management have denied the aforementioned allegation of the union and raising certain preliminary objection has pleaded that the opposite party is not entitled to any relief.

6. The management have filed 20 documents and have examined Shri Hari Krishan, Administrative Officer, New India Assurance Company Ltd., as MW 1/1 and Shri K. K. Sahni, Administrative Officer, New India Assurance Company Ltd., as MW 2/1.

7. The union has filed 6 documents and have examined Shri V. Takiar, Senior Assistant New India Assurance Company Ltd., New Delhi, as WW1/1.

8. I have heard the representatives of both the parties and have gone through the evidence on record.

9. Para 31 of the promotion rules as amended upto 3-1-1991 lays down that the employees shall be allowed to appear for not more than three occasions in the entire period of service for the competitive examination for departmental promotion, including that of the cadre of Assistant Administrative Officer. It further lays down that a successful attempt by an employee, but who does not earn selection in the ranking list, shall not be counted for computing the 3 attempts permitted to an employee.

10. The management issued a circular dated 18-1-1991 for departmental promotion as per promotion rules, wherein under para 6 captioned as COMPETITIVE EXAMINATION (ELIGIBILITY), it has been mentioned that the employees shall be allowed to appear for not more than 3 occasions in the entire period of service for competitive examination for departmental Staff promotion, including that of the Assistant Administrative Officers. It is further mentioned therein that a successful attempt by an employee, but who does not earn selection in the ranking list, shall not count for computing the 3 attempts permitted to an employee. However, if an employee does not withdraw his/her Application within the stipulated time, i.e. 20th February, 1991, but fails to appear in the examination, then it would be deemed as one attempt and treated accordingly for eligibility for future promotion exercise. It is this latter part which is the bone of the contention in the present case. The contention of the union is that his latter part of the said circular is at variance to and contradicts the main clause as to the number of attempts to be counted.

11. Aggrieved with the insertion of the aforementioned latter part in the circular dated 18-1-1991, referred to hereinabove, the union wrote a letter dated 15-2-1991 to the management alleging therein that the said insertion is at variance to and contradicts the main clause as number of attempts to be counted. The word APPEAR unambiguously and invariably construes actual and physical presence in the examination of the candidates and not otherwise. It is further contended therein that the limit to the number of attempts had been introduced and pres-

cribed in the promotion rules with the sole aim that an incompetent employee should not be allowed to appear successfully by hit and trail method as in the absence of this provision, he would be tempted to take the examination repeatedly and the very purpose of scanning the efficiency and competence of an employee to assume responsibility as an Officer of the Corporation, would be defeated. Further the word "attempt" would obviously imply indulging in an actual physical exercise, the result of which would then prove whether he is capable to be selected to the cadre of an officer and if this exercise is not conducted, there is no other means to judge his capability and, therefore, in the absence of actual and physical appearance of a candidate in the examination, cannot under any circumstances be construed as an attempt. It is further contended therein that an employee, who had applied for promotion under para 31 (of the promotion rules) may fail to appear in the test on account of several reasons beyond his control, viz., sudden illness, extreme weather conditions and traffic blockade, ect. and his non-appearance is deemed to be an attempt, which are limited, it would be to his grave prejudice and would cause irreparable damage to his career prospects and this interest of an employee is obligatory on the part of the Corporation to be safeguarded and protected. In the last, but one paragraph of the said letter, the union requested to review the matter in its' appropriate perspective and an employee be not eliminated for his eligibility to compete the examination for reasons, both humane and natural beyond his control by erroneous interpretation of the provisions and, his non-appearance, after applying for the examination, should not be treated to constitute an attempt.

12. In reply dated 25-2-1991 to the aforementioned letter of the union, the management obviously clarifying the position, has stated in last, but one paragraph of the said letter that in case an employee, after submitting the Application and wanted to appear in the examination, but could not do so due to any major illness in the last moment or due to any reason, such matters would be examined on each individual merit. It is not that the management would just decline such cases, but all such cases would be examined objectively. It may be that mere representation stating that the candidate could not reach the examination hall, because there was some conveyance difficulty, etc. would not be accepted. In other words, the reasons adduced should be satisfactory to the Promoting Authority and not otherwise. One of the main grievances of the union, is that the said clarification, as contained in the management letter dated 25-2-1991 has not been notified, as a result of which in all the subsequent examinations, no candidate was aware that there exists a provision of making a representation.

13. The contention of the union, as discussed hereinabove, is not convincing. It is a matter of common prudence that if a candidate is forbidden due to reasons beyond his control, he should bring the said reason to the notice of the Promoting Authority well within reasonable time by way of a representation to him. If he does not do so, then he cannot find fault with the management. No such representation has been made by the concerned workman to the Promoting Authority and, therefore, he is acquiesced of the matter.

14. The management is fully justified in its holding that if an employee does not withdraw his/her Application within the stipulated time, but fails to appear in the examination, then it would be deemed as one attempt and treated accordingly for eligibility for future promotion exercise provided, of course, his representation, if made, does not find favour with. Besides, no common cause is involved in the present case, as the claim of an individual employee only is involved i.e., of the concerned workman, Shri V. Takiar. It has been admitted by WW111 in his cross-examination that no resolution was passed for raising the present dispute by the union although there are three thousand members of the union all over India. On this score also no intervention is warranted.

15. Hence my award is that the management of New India Assurance Company is justified in not treating only the actual sitting in the competitive examination as one of the "attempts" for appearing in the competitive examination for promotion. Therefore, the concerned workman, Shri V. Takiar, is not entitled to any relief.

16. Award is given accordingly.

16th October, 1998

GANPATI SHARMA Presiding Officer

नई दिल्ली, 28 अक्टूबर, 1998

का.आ. 2404:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम्.आई.सी., ऑफ इंडिया के अध्यक्षों के राबर्ट नियोजकों और उनके कंपनियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम नं. II मसुदा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-10-98 को प्राप्त हुआ था।

[सं. एल-17012/37/96-आई आर (बी -II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 28th October, 1998

S.O. 2404.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. II, Bombay as shown in the Annexure in the Industrial Dispute

between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 27-10-98.

[No. L-17012/37/96/IR (B-II)]

C. GANGADHARAN, Desk Officer
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II MUMBAI
PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/30 of 1997

Employers in relation to the management of Life
Insurance Corporation of India

AND

Their workmen

APPEARANCES :

For the Employer : Ms. Naveen Kaul, Representative.

For the Workmen : Ms. A. S. Deo, Representative.

Mumbai, dated 11th September, 1998

AWARD

The Government of India, Ministry of Labour by its Order No. L-17012/37/96/IR (B-II), dated 18-8-97 had referred to the following Industrial Dispute for adjudication.

"Whether the action of the management of LIC of India in terminating the services of Shri Ashok D. Kodate, Comptist, is legal and justified? If not, to what relief the said workman is entitled?"

2. The General Secretary, Western Zone Insurance Employees Association filed a Statement of Claim (Ex-6) on behalf of the workman Ashok D. Kodate. It is pleaded that the Corporation was established in 1956 under the Life Insurance Corporation Act of 1956. Earlier the said Industry was in the private hands. There were as many as 250 companies that use to transact insurance business. The staff was classified into four categories I to IV and their service conditions are governed by Life Insurance Corporation of India (Staff Regulations) 1960. The said service conditions of Class-III & IV are also governed by the Administrative Circulars issued by the Chairman in terms of Regulation-IV of the Staff Regulations.

3. In 1981 the powers came to be annulled and vested with the Government and under the Act the Regulations and the Administrative Circulars issued by the Chairman deemed to have been considered to be the rules under the amended Act of 1981.

4. In the schedule-I list of various categories of the employees falling under different class of staff and one of the categories referred to under Clause III's comptometer operator (in short known as comptist). He is enjoying the same and common scale alongwith those to

Assistants, typist categories. This post exists pre and post corporation period. They are attached to the accounts department.

5. In Mumbai Division Office-III there were two comptists on the rolls. One retired on attaining Superannuation in March '90 and the other one on his application was appointed as a Building Inspector in December '90. In December '90 the management appointed one Ashok Kodate as the comptist in a clear vacancy but showing that he was appointed on a contract basis with M/s. Sainath Enterprises. It is obviously to circumvent legal clutches. The said contract was extended from time to time upto 30-6-94.

6. On 23-6-94 the union wrote to the management demanding regularisation of his service from December '90 however without accepting the demand the management terminated his services w.e.f. 30-6-94, which is unjust and improper.

7. It is pleaded that the workman sits in the department and uses corporation machines and his work is being supervised by the Corporation's officers. The work is given to him like other employees of the Corporation. The workman has to attend the office at 10.30 a.m. and left the office at 5.30 a.m. as other employees. Other employees considered him as a part of the establishment. He used to avail the canteen facilities. Therefore the appointment on contract of Kodate is impossible. Normally he is to be deemed as regular in the eyes of law and confirming any other status not provided by the law is not acceptable and justified.

8. The manager of Mumbai Division Office-III was appointing authority of Class-III & IV employees in terms of the staff regulations. Kodate was appointed in clear vacancy caused by the exit of two comptists. He worked in the said post vacated by them. All his actions clearly suggest that he requires regularisation and his termination after serving continuously for three years is illegal and unjustified.

9. The Association pleaded that the implicit meaning of the reference order is that Kodate is supposed to have worked as a comptist and management action in terminating his service was justified or not. Kodate falls within the definition of the workman under the Industrial Disputes Act of 1947. For all these reasons it is prayed that it may be declared that terminating services of Kodate w.e.f. 30-6-94 is illegal. That he is entitled to reinstatement in service with back wages and all statutory benefits with other reliefs.

10. The management resisted the claim by the written statement (Ex-7). In the beginning it has given the details of the formation of the Corporation. Then how by the Act of 1981 the powers vested with the Government. It is averred that regulation VIII-(i) deals with appointment of a person on temporary basis in post of Class-III and Class-IV. It is averred that, that regulation also provided the person who is appointed on a temporary basis has no right to claim absorption in regular service or any preference in the matter of recruitment. It is averred that the Chairman of the Corporation had issued instructions providing the recruitments of Class-III and IV in the Corporation. Those instructions which are issued by

the Chairman are to be held to be statutory force by the Supreme Court of India.

11. The management pleaded that there is a reference pending before the CGIT-Delhi pertaining to who are employed on a contract basis or even to the contractors employees. Under such circumstances the dispute raised in this reference covers in that dispute. Therefore the reference deserves to be dismissed on that ground. It is submitted that in view of the scheme provided by the Supreme Court on 23-10-92 the present dispute which is raised by the workman is not tenable and he is not entitled to any relief.

12. The management pleaded that the Mumbai Divisional Office of the Corporation had availed of the service of comptist attached to M/s. Ganesh & Co., prior to April '90. Thereafter for about three months the service of another comptist attached to the said company were being utilised. In December '90 M/s. Sainath Enterprises who are dealing in contract service having its office in Shop No. IV HAA 23-1/5 Seva Nagar Santacruz (E), Mumbai Telephone Nos. 6142401, 6128599 Residence : 6490173 approached the Divisional Manager, signalling their readiness to accept the contract for totalling work of the accounts department provided the terms and conditions for the same are supplied to the said firm. The offer of the firm dated 18-12-90 was considered by the Divisional Manager and he was informed by the letter dated 20-12-90. The terms and conditions which were informed to the firm by the said letter were later on accepted by the firm by its letter dated 24-12-90 and the contract came into force. It was renewed subsequently from time to time. It is averred that the firm alone was being paid the consideration for the contract throughout the relevant period. It is submitted that in view of the comptist most of the operations the post of comptist was abolished and contract with M/s. Sainath Enterprises was not renewed after 30-6-94.

13. The Corporation denied that it terminated the service of Kodate or that non-renewal of the contract lead to Industrial Dispute which is referred to the Tribunal for adjudication. It is asserted that the worker was never appointed as a comptist. It is submitted that there was no advertisement nor any applications were called for the post and no recruitment rules were even followed. It is averred that the post itself was abolished.

14. The management pleaded that Kodate was never treated as an employee of the Corporation by the authorities. It is denied that his work was supervised by the officers of the Corporation. It is submitted that he is not entitled to any of the reliefs as claimed.

15. The Association filed a rejoinder at Ex-8. It denied the contentions contrary to its claim and reiterated the claim which is made in the Statement of Claim. It is averred that the interpretation of the management in respect of the two National Awards and the Supreme Court Judgments relating to the exclusion of contract workers from the purview of regularisation is not correct. It is submitted that the workman is entitled to the relief as claimed.

16. The issues are framed at Exhibit 14. The issues and my findings there on are as follows :

Issues	Findings
1. Whether Ashok D. Kodate proves that he was appointed by the Corporation as a comptist ?	No
2. Whether the Corporation proves that it availed the services of the comptist attached to M/s. Ganeshan and Co., and thereafter to M/s. Sainath Enterprises ?	Yes
3. Whether Mr. Kodate proves that he was terminated by the management of L.I.C. ?	No
4. Whether the action of the management of L.I.C. in terminating the services of Shri A. D. Kodate comptist is legal and justified ?	Service of Kodate was not terminated but the contract of M/s. Sainath Enterprises was not renewed which is legal and justified.
5. If not, what relief the workman is entitled ?	Does not survive.

REASONS

17. To bolster up the case the Association examined Ashok Kodate the workman (Ex-15) and produced documents at Exhibit-9 & 19. So far as the management is concerned it examined V. D. Patankar (Ex-17), the Manager had produced the documents alongwith (Ex-12). Both of them filed written arguments and also made oral submissions.

18. It is not in dispute that there were two comptists in Mumbai, Division Office-3. One retired on attaining Superannuation age on March '90 and the other had applied and appointed as a Building Inspector in December '90. There was no advertisement for recruitment of the comptist nor Kodate was interviewed on his application to be appointed as a comptist.

19. Kodate (Ex-15) affirms that he worked as an Assistant for 85 days in 1990 as a daily wager in account department. This was not disputed by Patankar the witness for the management.

20. Kodate affirms that he worked as a comptist and carried out all related works given to him between 4-1-90 and 30-6-04 without any break. So far as working in the capacity of the comptist in this period is concerned there is no dispute. But according to the management he was the contractor's employee and not of the Corporation.

21. It is not in dispute that there is no computerisation in the corporation Patankar (Ex-17) affirms that the totalling operation of the accounting entries in the salary Saving Scheme Department of the Mumbai Office were being carried out manually or with the help of mechanical devices such as a comptometers. However with the gradual computerisation of the department operations which were carried out manually or mechanically came to be computerised. In

view of the retirement and absorption of the comptists in another department and in view of the computerisation of the operations and in accordance with the policy decision that no new recruitment of comptometer operator should be made and no comptist could be appointed on a regular or permanent basis. Patankar in his cross-examination in categorical terms states that the two posts of comptists were abolished and that he will produce the record to show that these two posts are abolished and it is a closed cadre.

22. Mr. Deo, the Learned Representative for the workman argued that even though the witness said that he will produce the record of abolishing such posts he did not. Looking to the scheme and the rules of the Corporation the Chairman himself cannot abolish these posts. The Government has to do so. Even for the sake of argument if it is said that the Chairman can do so there must be record to that effect which is not coming forward. The inference has to be drawn that those two posts still exist. Now it is to be seen whether anybody is filled in that post.

23. Kodate affirmed that he worked as a comptist and was doing the work as per the allotment of work given by the management. He used to attend the office from 10-30 a.m. to 5.30 p.m. and on all full working days and from 10-30 a.m. to 2-00 p.m. on every Saturday. He affirmed that as per the letter he was required to attend all totalling matters which are connected with accounts department besides taking total of cash books and tallying them on a day to day basis. His wages are mentioned in the letter. It also states that if the work is not satisfactory as a comptist the contract could be terminated. He further states that the office provided him table, Chair comptometer machine and other stationery. He was also allowed to take benefit of the canteen. He affirms that he was provided with the services of Class-IV employees.

24. Mr. Patankar affirms that since at the relevant time computerisation was in progress and the use of mechanical device for the operations could not be complied with the service of M/s. Ganesh & Co., were availed for the post of comptometer operations. It provided the service of temporary comptist up to 7-8-90. He further affirmed that on going process of complete computerisation of operations there was no question of engaging services of the comptists on permanent basis. The contract of Ganesh & Co. was terminated on 7-8-90 and no comptist was appointed.

25. From the cross-examination of Patankar from the testimony of the worker it reveals that so far as the contract given to Ganesh & Co. is concerned there is no dispute.

26. Patankar affirms that on 18-12-90 M/s. Sainath Enterprises affirms dealing in the contract service having the office at Sevanagar Service road Cantacruz, having telephones, wrote to the Divisional Manager of their having to come to know the Corporation's intention to engage the contract for totalling work of accounts department. The firm's readiness was informed to accept the contract on the terms and conditions to be furnished by the Corporation (Ex-12/1). Thereafter the Corporation communicated the terms to the firm by its letter dated 20-12-90 (Ex. 12/2). The firm by its letter dttd. 24-12-90 accepted the tender cum contract

given by the Corporation (Ex-12[3]). Patankar further affirms that the payment of the contract was made to the firm by M/s. Sainath Enterprises by account payee cheques. Such type of contracts were renewed subsequently.

27. It can be seen that the contract of M/s. Ganesh & Co. came to an end on 7-8-90 and the subsequent contract came into existence from 24-12-90. It means for the period of four months there was no comptist or any contractors employee worked as a comptist. If really the worker was in the service as a comptist from the beginning, that is from M/s. Ganesh & Co., in his individual capacity he would have continued straight and there would not have been any break.

28. Kodate admits the letters which are at Ex-12[6, 8, 9 & 11] which were written by M/s. Sainath Enterprises to the Corporation. From these letters it reveals that the Sainath Enterprises accept the contract as per the offer made by the Corporation. All these letters are signed by Kodate. It is pertinent to note that he had not signed it in his personal capacity but for Sainath Enterprises. From the perusal of the letter head it reveals that this firm deals in contract service. Kodate affirms that the officers of the corporation informed him that the payment could not be made to him in his individual capacity and can be through M/s. Sainath Enterprises only. Therefore, he has to prepare the letter heads and assured of having made a contract. He accepts that the phone numbers, residential address mentioned on the letter head are bogus. He had not given the names of the officers. He asked him to prepare such a contract to get the work. He admits the position that there were five officers in that tenure. I really fail to understand how all these five officers will ask him to prepare such a type of the contract which is a bogus one and allot him the work. I therefore find that the work was allotted to Sainath Enterprises as a contractor and Kodate worked as a comptist for that firm. It can be further inferred that Kodate might be the proprietor of that Sainath Enterprises and was working for the firm but that does not mean that he work was given to him in his individual capacity and was appointed as a comptist. He was the contractors employee.

29. From the testimony of Kodate it reveals that he was working as per the contract of comptist. It can be further seen that the payment which was made in respect of the work done by comptist was by an account payee cheque in the name of Sainath Enterprises and not in the personal capacity of the workman.

30. Ex-19[1] is a letter from the Corporation dated 16-4-90 which speaks that after the two vacancies of the comptist Kodate worked as a comptist attached to M/s. Ganesh & Co.. Now the period of service granted to him is over, and it is suggested that he may be appointed as a comptist on temporary basis. From this letter itself it reveals that the Corporation thought it fit to appoint M/s. Ganesh & Co. to do the work of comptist and the said company engaged Kodate to do the work of comptist on their behalf. It supports the case of the Corporation.

31. Exhibit-9[14] is the letter written by the Kodate to the Senior Divisional Manager dtd. 3-9-93. It refers

to the application for the post of comptist. In this letter he had categorically mentioned that he is working on contract basis (M/s. Sainath Enterprises). In Bio-data which is alongwith the application, in the clause-work experience, he had mentioned that he had worked as a temporary comptist in LIC, New India Assurance Company, Air India, Mayyo & Backer, Vinco Ltd. and Times of India. That itself goes to show that he was doing the work on contract basis in different organisations.

32. It can be further seen that alongwith Ex-19 the letter from the accounts office send to their Branch Manager is produced it is mentioned that Kodate was working with M/s. Ganesh & Co., who was working as a comptists with the Corporation. That supports the case of the management which I have already stated above and I do not find any substance in the arguments of Mr. Deo, the Learned Representative for the union that there was no contract existing between M/s. Ganesh & Co. and the Corporation.

33. Mr. Deo, the Learned Representative for the workman tried to rely on the authorities viz. K. Rama Krishna and Ors and BPCL 1997 II LLJ 1101. It states that the Industrial Court is to decide whether the contract is sham or not. It is needless to say that if it is found that contract is sham then definitely the person who worked on the basis of the contract is entitled to the reliefs. Here in this particular case for the reasons stated above I am not inclined to accept that the contract is bogus one. I repeat that Kodate must have entered into a contract. That does not mean that the work which was allotted to him is not on the basis of the contract but in his individual capacity as a comptist.

35. The Learned Representatives for the workman placed reliance on the National Industrial Tribunals Award and that of Presiding Officers Award in case of Gardners. I do not find any ratio to rely upon in the present case. I have already discussed above that there are no grounds for coming to the conclusion that the contract which was entered into by the Corporation was a bogus one.

36. Ms. Navnit Kaul, the Learned Representative for the Corporation argued that from the version of Kodate it reveals that from the beginning he was aware that he was practising fraud on the corporation by submitting bogus letter heads. From the testimony of Kodate it reveals that he was aware that there is no firm as M/s. Sainath Enterprises and now he wants to come before the Court stating that as no firm is in existence he was appointed by the Corporation and now he is entitled for absorption I am not inclined to accept that there was no existence of M/s. Sainath Enterprises in view of the letter heads and the receipt of Kodate for accepting the payment for the work done by comptist for the said firm, in the name of the firm. At any event Kodate is not entitled to any reliefs in view of the fact that the firm is existence and he was the employee of the contractor and secondly if it is held that it is not in existence are then for the purpose of practising fraud on the Corporation for getting the appointment, contract.

37. For all these reasons I record my findings on the issues accordingly and pass the following order:

ORDER

The action of the management of LIC of India in not renewing the contract of M/s. Sa'nath Enterprises is legal and justified.

S. B. PANSE, Presiding Officer

नई दिल्ली, 29 अक्तूबर, 1998

का प्रा 2405 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबन्धन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में औद्योगिक अधिनियम-I, हैदराबाद के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-10-98 को प्राप्त हुआ था।

[सं एल -12012/288/96-आई एर (बी -II)]

सी गंगाधरन, डेस्क अधिकारी

New Delhi, the 29th October, 1998

S.O. 2405.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal-I, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workman, which was received by the Central Government on 27-10-1998.

[No. L-12012/288/96/IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE**BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD****PRESENT :**

Sri C. V. Raghavaiah, B.Sc., B.L., Industrial Tribunal-I, Hyderabad.

Monday, the 31st day of August, 1998
Industrial Dispute No. 61 of 1997

BETWEEN

The General Secretary,
Dena Bank Employees,
C/o Dena Bank,
Bank Street,
Hyderabad-500001. Petitioner

AND

The General Manager (Personnel),
Dena Bank,
Head Office,
Maker Tower 'E',
Cuffe Parade,
Colaba,
Bombay-400005. Respondent

This case coming before me for final hearing on 21-8-98 in the presence of Sri Prithvi Raj, General

Secretary for the petitioner and Sri G. Parmeswar, representative for the respondent and having stood over to this day for consideration, the court delivered the following :

AWARD

The Government of India by its order No. L-12012/288/96/IR(B-II), dt. 11-9-97 made this reference U/s. 10(1)(d) and Section 2(A) of the Industrial Disputes Act, 1947 hereinafter called the Act for adjudication of the Industrial Dispute mentioned in the schedule which reads as follows :

"Whether the demand of the Dena Bank Employees Union, Hyderabad for empanelment for absorption in future vacancies in respect of Shri Srinivasa Reddy, Casual Peon of Dena Bank, Guntur Branch is justified? If so, to what relief the said workman is entitled to?"

Both the parties appeared after being served through their representatives and filed their pleadings.

2. In the claim statement filed by the General Secretary, Dena Bank Employees Union, which is expounding of the cause of the workman Sri Srinivas Reddy it is stated that the concerned workman Srinivas Reddy was working in the Guntur branch of the respondent bank from 30-7-84 and Badli Sepoy on various occasions and whenever the bank called for his service. The management failed to empanel him but decided to terminate his service at the instant of regional authority's letter No. BRO|RR|C|PER|5441|88, dt. 14-11-88 and BRO|RRC|PER|5866|88, dt. 8-12-88. Even after the said letters, the workman was however asked to work as Badli Peon in the Guntur branch in the year 1992. He made several representations to the bank to take him on permanent basis. But there was no response from the management, while so, All India Dena Bank Employees Co-ordination Committee arrived at a settlement with the management on 25-9-92 in which the name of the worker Srinivas Reddy was added for regularisation of service as Badli peon. It is contended that as the union has taken up the case of the workmen in various structured meetings (Industrial Relations) for regularisation and empanelment as Badli peons, the management choose to discontinue his service though there is need for the post of sub staff in Guntur branch and further the management has appointed one Subba Laxmi as sub staff in the Guntur Branch and thereby depriving the legitimate right of the petitioner worker for empanelment and employment in violation of Bipartite settlement and provisions of the I.D. Act. The union thus prayed in the claim statement that the respondent bank may be directed to regularise/recruit Sri Srinivas Reddy as permanent sub staff in the bank service.

2. The respondent bank filed a counter resisting the reference :

It contended that the reference made regarding empanelment of the worker Srinivas Reddy is not an industrial dispute as defined U/s. 2(k) of the I.D. Act as such the reference is liable to be rejected as the empanelment of a name of a person is not a condition of service and there is no privity of contract between the worker Srinivas Reddy and the respondent management. It further contended that the worker Srinivas Reddy worked as Badli Peon for more than 170 days in Guntur branch and that he was appointed intermittently which is permissible under Clause 20.7 of the Bipartite settlement dt. 19-10-66. It also took the stand that the letters quoted in the claim petition have no bearing on the subject matter and that no vacancies can be filled up unless and until it is approved by the head office because of the recruitment restrictions and that in the year 1994-95 the respondent has not created any fresh vacancy at Guntur and that after empanelment of badlies it had to made permanent only those persons who are eligible and suitable from the list of candidates sponsored by the District Employment Exchange on the basis of the indent placed with it. It also contended that the worker Srinivas Reddy was not sponsored by the employment exchange. Hence, the question of his empanelment or recruitment on regular basis would not arise. It denied that Ms. Subba Laxmi is appointed as sub staff in violation of By-partite settlement. It thus prayed for answering the reference against the petitioner.

3. With a permission of this Tribunal the Respondent filed additional counter affidavit stating that by over sight it has been mentioned in the counter that Srinivas Reddy worked for more than 170 days whereas he infact worked for 121 days. And that it has stated before the conciliation officer also that Srinivas Reddy did not work for more than 170 days. It reiterated that the reference may be rejected.

4. Upon the above contentions, the following points arise for consideration :

“Whether the demand of the Dena Bank Employees’ Union Hyderabad for empanelment for absorption in future vacancies in respect of Sri Srinivasa Reddy, casual peon of Dena Bank, Guntur Bank is justified. If so, to what relief the said workman is entitled to” ?

5. The aggrieved workman Srinivas Reddy was examined as WW1 and Exs. W1 and W2 were marked on behalf of the petitioner union while the former bank manager, Guntur branch by name Sri Jagdishwar was examined as MW1 and Exs. M1 and M2 are marked on behalf of the respondent bank.

6. Point : In this reference the union is seeking empanelment for absorption of WW1 Srinivas Reddy who worked as Badli Sepoy, Guntur branch of the respondent bank. It is not in dispute that WW1 Srinivas Reddy worked in Guntur branch intermittently for 121 days as Badli peon as and when the sub staff of the said bank applied for leave on daily wage, as borneout by Ex. M1 letter written by the Branch Manager, to the regional office with reference to the letter of the regional office. As per Ex. M1 the total period for which the petitioner worked is only about 121 days. The workman WW1 has also admitted that he worked for short spells but not continuously as a temporary sub staff on daily wages and no call letter or appointment order was given to him whenever he was engaged. MW1 has also spoken to the above facts. WW1 further stated that the bank used to pay wages to him weekly or fortnightly or monthly and in some of the vouchers he signed in the name of fictitious persons and he was engaged by the respondent bank from time to time in the year 1985 to 1997 and in the year 1998 also he worked with the bank now and then. Ex. M2 vouchers filled by the bank which are for the year 1994 would show that WW1 worked for 12 days from the month of June to August 1994. Vouchers of the previous years were not filed on the ground that the bank is not expected to preserve vouchers beyond 8 years as per the rules of the Central office. The petitioner has not filed any record to show that he worked for more than 121 days during the period 1988 to 1994 in disproof of Ex. M1 letter filed by the management which contains details of the number of days worked by him from the year 1988 and 1994. Further the petitioner also did not urge in the claim statement nor the worker WW1 has deposed that he has worked for more than 240 days in any calendar year preceding the date of termination.

7. According to the petitioner union, the service of the worker has been discontinued pursuant to Ex. W1 letter of the regional office which is prejudiced against the worker as he made representation for his empanelment. The respondent however contended that as per 20.7 of Bipartite settlement, the bank can engage temporary employees for a limited period for work which is of an essentially temporary nature and accordingly WW1 was appointed but the Central office took decision in the year 1988 not to engage badli senos even for one day in future and wrote Exs. W1 letter bringing to the notice of the Branch Manager, the above

decision of the Central office and accordingly service of WW1 was not engaged but not on account of any prejudice. In his evidence MW1 has categorically stated as and when required they use to engage badli sepoys temporarily earlier but the management took decision not to engage Badli sepoys in future and then regional office has sent Ex. W1 letter to the Branch Manager for discontinuing the service of WW1. Hence, he was disengaged in the year 1988 but re-engaged in 1991, 1992 and 1994 also as no candidate were sponsored by the employment exchange inspite writing Ex. W2 letter due to exigency of service, and they were paying Rs. 50 per day to WW1.

8. A perusal of Ex. W1 letter which has referred to in the claim statement would show that on coming to know about the engagement of WW1 as Badli Sepoy in Guntur branch, the regional office directed the branch manager to discontinue the service of WW1 who is an outsider as the same is prohibited by the head office and as the Badli Peons have to be appointed from the panel sent by the employment exchange. Ex. W2 bunch of letter from the year 1986 to 88 written by the branch manager to the employment exchange would show that the bank has sought for a list of candidates for empanelment from the employment exchange office. Thus it is obvious from Ex. W2 that as no candidate was sponsored by employment exchange, WW1 was re-engaged inspite of Ex. W1 letter of the Regional office not to engage WW1 even for a single day in future being an outsider.

9. It is next urged on behalf of the petitioner union that as per 20.9 of the Bipartite settlement a temporary workman who worked for a period of 240 days in a calendar year is entitled to be empanelled and as per 20.12 temporary workman have to be given preference for filling up permanent vacancies. It is submitted that as WW1 worked since 1988 he should have been empanelled and absorbed instead of appointing Subba Laxmi as a sub staff. The learned counsel of the respondent however contended that as per the recruitment rules for empanelment the name of the candidate has to be sponsored by the employment exchange but name of WW1 was not sponsored by the employment exchange when a panel is called for filling up the vacancy reserved for scheduled caste and hence Subba Laxmi who belongs to S.C. Community was appointed as sub staff as per the reservation policy.

10. It is not in dispute that one Subba Laxmi was taken as a sub staff in the Guntur Branch. It is in the evidence of MW1 the candidature of Subba Laxmi was sponsored by the employment exchange when he was called for panel of 3 names as per recruitment rules of the bank and out of the 3 persons only 2 persons attended for the interview which was conducted for S.C., S.T., and physically handicapped candidates and in the said interview Subba Laxmi was selected and that the

candidature of WW1 was not sponsored by the employment exchange. It would appear from the letter of November 1988 written by the regional office to the branch manager that the banks are prohibited from engaging outsiders whose names not in the approved panel for appointment in the bank. As per the Bipartite settlement dt. 25-9-92 entered into by the management and the employees union the bank has to empanel only those persons who were engaged as Badli peons and worked for more than 240 days in a continuous period of 12 months, and that the panel has to be called for from the employment exchange to fill up the posts of sub staff. As per the evidence of WW1, his name was not sponsored by the employment exchange. It would appear as per the rules the empanelment must be out of the candidates sponsored by the employment exchange. As the name of WW1 was admittedly not sponsored by the employment exchange as per his own showing and as he did not work for 240 days as per clause 20.9 the question of his empanelment and absorption and giving him regular appointment does not arise. I am of the view that the empanelment or appointment of Subba Laxmi who belongs to S.C. Community and also stated to be physically handicapped and in respect of whom the vacancy of sub staff arose as per reservation rules and who has been sponsored by the employment exchange is not in violation of the Bipartite settlement or the provisions of the I. D. Act.

11. It is finally urged on behalf of the petitioner that the question of empanelment and absorption of WW1 was taken up at a structured meetings between the management and the union and it was also agreed that this case will be considered but contrary to the said understanding WW1 was not empanelled and absorbed. On the other hand the regional office became prejudice against him as ment of the year 1992, the case of persons who WW1 should not be appointed even for a single day in future. The respondent on the other hand contended that there was no agreement with regard to the absorption of WW1 at any of the structured meetings and as per the Bipartite settlement of the year 1992, the case of persons who worked for 240 days was agreed to be taken up for regularisation.

12. On a consideration of the material placed on record, I find no merit in this contention of the petitioner. Along with the written arguments the petitioner filed xerox copies of the agenda of the structural meetings. A perusal of them would show a structured meeting was conducted on 25-2-89 at the Zonal Office, Bangalore and one of the agendas of the meeting is regularisation of 5 badli sepoys in Andhra Pradesh. And that regularisation of Badli Sepoys was taken up by the union on the ground that at Calcutta service of badli sepoys was regularised. It was agreed with regard

to the said item that the matter will be considered on merits as per the present policy of the bank. The structured meeting dt. 3-1-92 would show that the item of regularisation of Badli sepoys of Vizag, Vijayawada and Guntur was considered and it was agreed that Vijayawada sub staff vacancy will be filled up from among the applications received from part time employees. The Guntur sub staff vacancies will be filled up from Badli panel. As stated above, the panel has to be prepared by calling names of eligible candidates from the concerned employment exchange. It has come out in the evidence that the name of one Subba Laxmi who belongs to S. C. Community and further physically handicapped was sponsored by the employment exchange along with the names of 2 other persons out of whom only 2 persons have attended for interview and Subba Laxmi was appointed as sub-staff. As WW1 was not sponsored by the employment exchange and as the vacancies of Badli Sepoys have to be filled up from the Badli panel approved by the regional office the question of empaneling WW1 could not arise. The letter dt. 5-2-97 addressed by the Regional Manager to the Dy. General Manager, Personnel, Bombay would show that the proposals have been sent for approval for elevation of part time cleaners in the vacancies of full time sub staff that arose at various places due to retirement or death or promotion. Regarding Andhra Pradesh it is stated that the following vacancies of sub staff accrued due to retirement, death or promotion i.e. 2 in bank street, one in R. P. Road and another in Tirupathi. And it is also stated that there are 3 candidates of part time cadre who are eligible for elevation as full time sub staff. I am of the view this letter would not in anyway come to the rescue of WW1.

13. Hence on a consideration of the material placed on record and as the candidature WW1 was not sponsored by the employment exchange on the basis of which the list of selected candidates have to be prepared and approved by the regional office and from out of which list, candidates have to be appointed as sub staff. I am of the view the relief sought for by the petitioners for empanelment and absorption of WW1 and for regularising the service of WW1 would not arise as appointment of outsiders other than from the panel is prohibited by the head office as earlier in the year 1986. The point is hence answered holding that the demand of petitioner union for directing the respondent for empanelment and absorption of WW1 in future vacancies as a casual peon is not justified because of petitioner union for directing the respondent for to any relief in this reference.

14. In the result the reference is answered accordingly holding that the demand of the union for empanelment and absorption of WW1 is not justified as he was not sponsored by the employment exchange and as the demand is contrary to 3012 GI/98—14

the Bipartite settlement, the recruitment policy for sub staff and the empanelment and absorption of the sub staff.

Dictated to the Sr. Stenographer, transcribed by her, corrected by me and given under my hand and the seal of this Tribunal, this the 31st day of August, 1998.

C. V. RAGHAVAIH, Industrial Tribunal-I

Appendix of Evidence :

Witnesses Examined for
the Petitioner :

WW1 G. Srinivas Reddy

Witnesses Examined for
the Respondent :

M.W1 : R. Jagdiswar

Documents marked for the Petitioner/Workman :
Ex. W1 Letter written by the Regional Manager to the Branch Manager dt. 8-12-88.

Ex. W2 Bunch of letters 1986 to 1988 by the Bank Manager, Guntur to Employment Exchange office.

Documents marked for the Respondent/Management :

Ex. M1 Letter dt. 16-7-95 addressed by MW1.
Ex. M2 Bunch of vouchers regarding payments made to WW1(5).

Sd/-

Industrial Tribunal-I, Hyd.

नई दिल्ली, 29 अक्टूबर, 1998

का. अ. 2406 :- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार एच. सी. आई. के प्रवक्तृत्व के संबंधित व्यक्तियों और उनके कर्मचारों के बीच, अन्वय में निम्नलिखित औद्योगिक विवाद में औद्योगिक अधिकरण विशालाखटनम के पक्ष को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-10-88 को प्राप्त हुआ था।

[सं. एन.-22012/543/94-आई. आर. सी.-II.]

की. के. राजन, डेस्क अधिकारी

New Delhi, the 29th October, 1998

S.O. 2406.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on the 9-10-1998

[No. L-22012/543/94-JR C-II]

V. K. RAJAN, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL CUM
LABOUR COURT VISAKHAPATNAM

PRESENT :

Sri K. Satyanand, B.Sc., LL.M., Chairman & Presiding
Officer.Thursday, the 9th day of July, 1998
I.T.I.D. No. 13/95 (C)

BETWEEN

Smt. N. Acetchayamma (Ex-sweeper, FCI),
Door No. 5-2-11, Madireddy Vari Street,
Kakinada-533001, .. Workman,
East Godavari District

AND

The District Manager,
Food Corporation of India,
Kakinada,
East Godavari Dist. .. Management.

This dispute coming on for final hearing before me in the presence of Sri S. Srinivas and Sri G. S. Prabhakara Rao, Advocates for workman and Sri M. Ramakoti, Advocate for management, upon hearing the argument of both sides and on perusing the entire material on record, the Court passed the following :

AWARD

This is an industrial dispute that came to this Tribunal for adjudication on a reference made by the Central Government which framed the terms of reference as under :

"Whether the action of management of Food Corporation of India in terminating the services of Smt. B. Achayamma, Ex-Sweeper cum water woman is justified? If not, to what relief the worker concerned is entitled?"

(2) The facts of the case as found in the pleadings are briefly as follows: The workman claimed to have been appointed as a Sweeper cum Water Woman at District Manager's Office, Food Corporation of India on monthly wages of Rs. 50. She claimed to have been working in that capacity till 'today'. She claimed to have made representations to the Dist. Manager, FCI, Kakinada to regularise her post. Till 1992 she submitted that her salary was being paid by the Dist. Office but from 1992, the H & T contractor started paying her salary. She submitted that she was not aware of the implications in that change. In the month of April, 1994 she stated she was informed by the District Manager, FCI, Kakinada that she was no more the employee in the FCI. This declaration was made without giving any prior notice regarding the termination. Then she claimed to have made representations but in vain. She also submitted that management contended that she herself left the services voluntarily w.e.f. 13-9-1988 which according to her was not correct. The contention of the management that she was merely a contract labourer was also termed as false. According to workman, the management reported to showing the sweepers as contract employees only to avoid their regularisation.

(3) The management on the other hand, resisted the claim saying that the workman was employed as a part time sweeper from 18-12-1974 to 12-9-1988 purely on temporary basis. It also added that her engagement was a contract for service and not a contract of service. They maintained that she remained absent from 13-9-1988 to 30-11-1989 and again resumed duty from 1-12-1989 and worked on daily wages till 4-2-1991. It is the case of the management that from 5-2-1991 she had been employed by H & T contractor of the FCI and so she became an employee of the said contractor even today. According to management, she did not have any right to be regularised and therefore she cannot get any relief in this industrial dispute.

(4) In support of her case the workman examined herself as MW1 and worked Exs. W1 to W3. Ex. W1 is the order of appointment. Ex. W2 is minutes of conciliation and Ex. W3 is copy of medical certificate calculated to explain her

absence during 1988-89. The management examined the Asst. Manager (General), of the management, as MW1. He marked Ex. M1 the bonus register of 1988-89 only to show that the workman was not paid bonus and therefore not a workman. Heard both sides.

(5) The points that arise for consideration are :

(1) Whether there is a retrenchment of the workman within the meaning of Section 2(oo) of the I. D. Act?

(2) Whether the workman is entitled in law to the protection of the provisions of I.D. Act?

(3) To what relief?

(6) Point No. 1 : It is almost an admitted fact that the workman served the management in question for quite some time and obviously for more than one year as contemplated by Sec. 25F of the I.D. Act. The pleadings as well as the deposition of MW1 make this amply clear. MW1 stated in his deposition as follows :

"The workman herein was employed as water woman with monthly wages of Rs. 50 from 18-12-74. She worked in that capacity upto 13-9-88 later she absented herself from 13-9-1988 to 30-11-1989. She resumed on 1-12-1989 and worked upto 4-2-1991. During this second spell she was paid wages @ Rs. 8 per day. From 5-2-1991 she has been working elsewhere under handling and Transport Contractor of FCI."

(7) From the above admissions on behalf of the management it is crystal clear that she worked upto 4-2-91 as an employee of the FCI and from 5-2-91 she was shown to be working under some Handling and Transport contractor of FCI but he did not say clearly as to who was enjoying services. Nevertheless he blurted out the truth by saying :

"The management in question never terminated the services of the workman nor prevented her from attending to the office." amply indicating that it is the management that has been enjoying the services of the workman till today but after altering her status to her utmost detriment. Thus, this is a clear case of retrenchment by most unfair methods of consigning her to the employment of a Handling and Transport Contractor of the FCI but at the same time continuing to be benefited by her services. The management has taken a very unbecomable stand that smacks of unfair labour practice by saying that one time morning she became an employer of Handling and Transport Contractor of FCI while till yesterday she was their employee for quite a long time at least nearly for 2 years and odd in the last spell. Even if we ignore the previous service of the workman under the management that lasted for more than 14 years as spoken to by no other than MW-1 himself. Thus, the manipulation resorted to by the management cannot make the injury inflicted upon the working anything less than retrenchment as virtually the stand of the management amounts to saying that she came to be discharged from service w.e.f. 4-2-91. In these circumstances, I have no hesitation to hold that this workman is a victim of retrenchment by the management in question notwithstanding the fact that she continued to serve FCI even beyond 4-2-1991 as the management played a trick against the workman by converting her into an employee of a 3rd party much against law.

(8) Point No. 2 —It is obvious from the admitted facts of the case that the workman was discharged from service of FCI w.e.f. 5-2-1991 by a sort of manipulation dealt with inextinguishable under point No. 1. It is also obvious that the management did not give any notice or wages in lieu of notice or pay compensation as contemplated by Sec. 25-F of the I.D. Act. It has never been the case of the management that it is not an industry. On the other hand, the result of Food Corporation by its very nature answers the description of an industry. Thus the applicant herein is virtually a workman-employee of the management in question. In spite of all these plus points in favour of the workman making her deserve to get the relief asked for, the learned counsel submit-

ted that she cannot be granted any relief in view of propositions that he ascribed to the Supreme Court, Relying upon (1997) 4 Supreme Court Cases 391, he firstly submitted that disengagement of daily wage employees when their appointments are regulated by the statutory rules and on the basis of need of work cannot be treated as retrenchment. But the management failed to prove any such statutory rules or any such so called disengagement in pursuance of completion of work. As such, the above decision is not applicable to the facts of this case. Then he submitted another judgement in (1997) 5 Supreme Court Cases 434 to contend that a daily wage has no right to the post. But it is a case pertaining to Irrigation Department holding that Irrigation Department cannot be characterised as industry. Moreover, the proposition held in the case is applicable in cases of discharge in pursuance of the completion of the project. Here the pre-requisite for applying the proposition are not established. He next relied upon AIR 1998 SC 327 which is totally irrelevant to the facts of this case. It is a case in which Life Insurance Corporation Act is held to be prevailing upon the Industrial Disputes Act due to a provision expressly provided in that regard and only because of such a situation the termination in the case was held to be one that did not come within the meaning of retrenchment contemplated by Section 2(oo) of I. D. Act. Thus, the few objections raised by the counsel for the management failed to militate against granting the relief sought to the workman. In these circumstances, I feel that the workman is entitled to the protection of Section 25-F of the I. D. Act and consequently the termination of the workman w.e.f. 5-2-91 that was manoeuvred by the management.

9. Point No. 3—In the result, an award is passed directing the management to reinstate the workman with continuity of service. There is nothing to award back wages as all these days she has been receiving salary as much the same from a contractor in the place of the management even according to her own deposition wherein she stated as follows :

"From 1974 to 1992 the management used to pay me wages from month to month after detaining my acquittance. They were also paying bonus every year. From 1992 onwards the management discontinued to detain my signatures for payment of wages though wages are being paid as usual. They however discontinued to pay me bonus from 1992 onwards. In 1994 I questioned the management as to why they are paying me the wages without detaining my signatures. Thereupon the office people working in B Section told me that I was being so paid as casual labourer and not as an employee of the office; witness again said as contract labourer, I protested saying that I did not even see the face of any such contractor. I however continued to work as usual."

The management shall also pay an amount of Rs. 500 (Rupees five hundred only) to the workman by way of costs. Reference is answered accordingly.

Dictated to steno transcribed by her given under my hand and seal of the court this the 9th day of July. 1998.

K. SATYANAND, Presiding Officer

Appendix of Evidence in I.T.I.D. No. (C) 13/95

WITNESSES EXAMINED

For Workman :

WW-1—B. Atchayyan.

For Management :

MW-1—K. Venkateswarlu.

DOCUMENTS MARKED

For Workman :

Ex. W-1/18-12-74—Appointment order of the workman.

Ex. W-2/7-10-94—Minutes of conciliation proceedings held between FCI Qakinada and Smt. B Atchayyan before ACL (C), Visakhapatnam.

Ex. W-3/24-7-95—Copy of the medical certificate.

For Management :

Ex. M-1—Bonus register of 1985-86.

नई दिल्ली, 30 अक्टूबर, 1998

का.प्र. 2407.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई. के प्रबंधन के संबंधित नियोक्ता और उनके वरिष्ठों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार 28-10-88 को प्राप्त हुआ था।

[सं. एच-22012/215/एफ/91-आई प्रार (सी-II)]

वी. के. राजन, डेस्क अधिकारी

New Delhi, the 30th October, 1998

S.O. 2407.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on 29-10-1998.

[No. L-22012/215/F/91-IR (C-II)]

V. K. RAJAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 7 of 1992

In the matter of dispute :

BETWEEN

Vice President Food Corporation
C-1783 Rajajipuram Lucknow.

AND

District Manager
F.C.I. 29 B. N. Road, Lucknow.

APPEARANCES :

M. Shakeel—for the workman and
V. K. Gupta—for the Management.

AWARD

1. Central Government, Ministry of Labour, vide its Notification No. L-22012/215/F/91-IR (V-II) dated 23-1-92 has referred the following dispute for adjudication to this Tribunal—

Whether the District Manager, Food Corporation of India Lucknow was justified in not regularising the services of the following workers in their Talkatora Depot. If not to what relief they were entitled to ?

1. Sri Raman S/o Shyam Lal
2. Sri Uma Shanker S/o Mahabeer
3. Sri Tilak S/o Sri Jawahar
4. Sri Santoo S/o Roopan
5. Smt. Lakhpatha Devi D/o Mangal Ram
6. Sri Mano Ram S/o Babulal
7. Sri Maikula S/o Bhagwan Deen

8. Sri Santram S/o Bansraj

9. Sri Girjanandan S/o Ram Pal

2. In this reference there are 9 workmen as named in the schedule of reference order. Out of them admittedly Smt. Lakshpata Devi is no longer in service, hence her case for regularisation is not being considered and the reference as far as his case is concerned is answered against her.

3. As regards remaining workmen their case is that they have been working as unskilled labourers for the last 10 to 15 years at Talkatora Depot of the opposite party Food Corporation of India. Their work is of perennial nature. About 250 labour of this depot have already been regularised. By way of victimization only the concerned workmen have been deprived of this privilege. Head Office had also made a recommendation these labourers should be regularised still the depot officials have not regularised them. It is also alleged that juniors to the workmen have been regularised.

4. The opposite party has filed reply in which it has been alleged that concerned workmen could not be regularised as there is no post. It is denied that juniors to the workmen were regularised.

5. In the rejoinder nothing new has been alleged.

6. In support of his case the workmen have examined one Sant Ram as VW-1 who has stated that they have been working for the last 10 to 15 years. Juniors to them have been regularised. In his cross examination he has stated that these workmen performed technical duties. On the other hand Shaik Ahmad MW-1 has stated that the work of concerned workmen is of intermittent nature. There are no sanctioned post available. However, in his cross examination he has admitted that these workmen are working for the last 10 to 14 years. Some other workmen like the concerned workmen have already been regularised. He pleaded ignorance if any circular was issued from Head Office about regularisation of these workmen.

7. From the above review of evidence it will be seen that the claim of the concerned workmen that juniors to them have been regularised has not been rebutted in any manner by the management witness. Further it is admitted to the management witness that concerned workman have been working for more than 12 to 14 years. Taking into consideration this length of service, I am inclined to hold that the work on which these workers are working is of perennial nature and that there is post for it. On the basis of these two factors I accept the claim of the concerned workmen and hold that they are entitled for regularisation.

8. Accordingly my award is that all the concerned workmen except Smt. Lakshpata Devi will be entitled for regularisation in service from the date juniors to them were regularised.

Dated : 15-10-1998

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 30 अक्टूबर, 1998

का.आ. 2408.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एस्. सी. सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण हैदराबाद के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 29-10-98 को प्राप्त हुआ था।

[सं. एल-22012/564/95-आई आर (सी-II)]

बी. के. राजन, ईस्ट अधिकारी

New Delhi, the 30th October, 1998

S.O: 2408.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government

hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their Workman, which was received by the Central Government on 29-10-1998.

[No. L-22012/564/95-IR (C-II)]

V. K. RAJAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated, the 26th day of March, 1998

Industrial Dispute No. 135 of 1996

BETWEEN

The General Secretary, Coal Mines Employees Union, Ramavaram, Panjagadda, Kothagudem, Dist. Khammam-507118

..Petitioner

AND

The General Manager, M/s. Singareni Collieries Company Ltd., Venkateshkani (PO), Dist. Khammam-507118

..Respondent

APPEARANCES :

Sri C. Nirajan Rao, Advocate—-for the Petitioner.
M/s. J. Parthasarathy and V. Hariharan, Advocates—-for the Respondent.

AWARD

The Government of India, Ministry of Labour, New Delhi by its Order No. L-22012/564-95-IR (C-II) dated 18-10-96 made the following reference under Section 10(1)(d) and 2-A of Industrial Disputes Act, 1947 for adjudication.

"Whether the action of the management of S.C. Co. Ltd., Kothagudem Area, in denial to place S/Shri P. Mukharlingam, Wardboy GK-Dispensary and Sh. T. Kistiah, Gen. Mazdoor, Rudrampur Dispensary in Clerical Gr. III for attending job of Chit Issuer for years together is legal and justified? If not, what relief the workmen are entitled to?"

Both the parties appeared and filed their pleadings.

2. The General Secretary of the employees union filed a claims statement contending as follows :

Mr. T. Kistiah herein after referred to as 'petitioner', was appointed as General Mazdoor on 6-2-1975. He is a qualified man having passed XI class and so he was utilised as Clerk Grade III in the Mines Vocational Training Centre and at Venkateshkani Dispensary upto his transfer to Rudrampur Dispensary. He is working in Rudrampur Dispensary at present. He was continuing to discharge his duties as Chit Issuer i.e. Clerk Grade III but he was not promoted. The other General Mazdoors are promoted as Clerks Grade III. The Management agreed to consider the case of T. Kistiah in the discussions held with the union on 1996-97. Hence he is entitled to be promoted as Clerk Grade-III. The particulars of the other workman Sri P. Mukharlingam are not available and so they are not furnished.

3. The management hereinafter called as 'respondent' filed a counter contending as follows :

The petitioner is put to strict proof of passing XI Class. It is denied that the services of the petitioner are utilised for Clerical job. He was transferred on his request he agreed not to claim any acting allowance. He is helping other staff in issuing chits on his own accord, whenever there is exigency

of work or any leave vacancy. He is not discharging the functions of a clerk regularly. It is denied that the management conceded for payment of any acting allowance. Even in the minutes in 1987 the demand was only in respect of paying acting allowance. It was decided that the demand cannot be conceded. The matter was closed at that time and so the reference is bad in law. The management agreed to consider the matter afresh in the meeting held on 3-10-96. Hence Mr. T. Kistaiah has no right to be promoted as Clerk Grade III.

4. The point for consideration is to whether Mr. T. Kistaiah General Mazdoor is entitled to be promoted as Clerk Grade III.

5. Point—Mr. T. Kistaiah the petitioner was appointed as General Mazdoor by Ex. W-1 Order dated 6-2-75. He was posted in Vocational Training Centre in the first instance. He was transferred to Venkatesh Khani Dispensary by Ex. W-2 order dated 31-1-86. Subsequently he was transferred to Rudranagar Dispensary by Ex. W-3 order dated 4-9-87. He was working in the said dispensary till now. The evidence of himself and another workman as WW-3 as well as the Medical Officer as MW-1 disclose that the petitioner being a physically handicapped man (deformity of left leg) was instructed to discharge clerical functions. The Doctor deposed that the petitioner is making the patients to stand in a Q, carrying the papers, cleaning the doctor's table, attending to the doctor's instructions and other miscellaneous jobs i.e. issuing chits to the patients when the regular clerk was on leave or when the patients are too many and the clerk could not cope up with the work. He admits that about 500 to 600 patients visit the dispensary every day. So necessarily the regular work has to take the assistance of the petitioner. The petitioner himself gave Ex. M-1 application that he may be permitted to attend to light work and that he would not claim acting allowance. The fact that he has been working as Chit Issuer which is certified by MW-1 on Ex. W-4 identity card. The said Doctor now says that the petitioner obtained his signature on the said Ex. W-4 identity card, representing to him that the petitioner is going to Sammakka Jatara.

6. The petitioner submitted Ex. W-5 application for promotion as Clerk Grade III mentioning that he passed XI Class in Multipurpose and he has been doing the work of Chit issuer. The union raised this subject matter as Demand No. 31 in Ex. W-6 Union view points on the strike notice dated 20-11-87. The Management agreed in Ex. W-7 minutes that the petitioner and another, are working against identified vacancies and that they are entitled to acting allowance. The management promised to examine the same.

7. Both the Management and workmen kept quiet for about 8 years. The Union gave Ex. W-8 application to the Assistant Labour Commissioner, Central on 6-2-1995 to consider the case of the petitioner who has been discharging the duties of chit issuer as Clerk Grade III since 1986. The Management admitted that the petitioner has been assisting the clerks in counter room for issuing chits as and when required as per the instructions of the concerned Medical Officer, and also whenever the clerks in various non-productive department have applied for leave/sick or away from the duty, the clerks from other departments where there is surplus are being deputed to work in their place to avoid dislocation of work. This fact was recorded in Ex. W-9 minutes dated 29-9-1995. Later on the Asst. Commissioner referred the dispute to this Tribunal.

8. There were discussions between 5 JECI Union and SAAJAC on 3-10-1996 in the chambers of the Chairman of C & MD at Hyderabad. Ex. W10 is the minutes. The Item No. 6 relates to confirmation of acting personnel, which is as follows:

6. Confirmation of Acting personnel.

(a) It has been decided to review the cases of acting clerks and a decision will be taken for effecting promotions as a one time measure to the eligible employees, following the procedure in force in the Company, subject to disposal of the pending Court Cases.

In spite of the said decision, the case of the petitioner was not decided. However the General Manager (Personnel) called for the information from all the Departments about persons appointed in lower cadre but acting as clerks in the normal course. M.W. 1 who is the Medical Officer submitted the original of Ex. W12 statement mentioning that the petitioner is being engaged as Chit Issuer against a vacancy from 11-9-97. However the petitioner is not given any promotion. Subsequently there was Ex. M2 settlement dt. 31-7-97 between the recognised unions and the management. Item No. 3 bearing the heading "regularisation of all acting clerks etc.," relates to the petitioner. It reads that "the graduates without typewriting, Non-graduates i.e. Intermediate/SSC/Matriculation are eligible to be considered as Clerk Grade-III subject to assessment report and interview. It is also mentioned in Clause 6(a) that 'at the first instance 181 vacancies of clerks Grade-II/Grade-III will be filled up by the end of September, 1997 in order of seniority through assessment report and interview'. In Clause 6(b) it was mentioned that "the remaining eligible acting clerks about 93 will be absorbed as per requirement in a phased manner by the end of December, 1997".

9. Even then the petitioner is not given as Clerk Grade III promotion till now. The petitioner has been acting as Clerk since 1987 as per Ex. W12 statement of M.W.1. He passed XI class in Multipurpose Course as can be seen from Ex. W14 book. Ex. W13 G.O. Ms. No. 249 dated 8-2-1962 reads that the pass in the Annual promotion examination held at the end of the penultimate year (Class XI) of the higher secondary and multipurpose in a recognised higher secondary and multipurpose school, be recognised as equivalent to a pass in matriculation, SSLC, HSLC, or SSC Examination for purpose of recruitment of Public Service in the State. The Personnel Officer MW-2, though stated in chief examination that the petitioner is not qualified, admits in cross-examination that the petitioner is having academic qualification and experience for being posted as Clerk Grade-III.

10. It is not the case of the respondent that there are some more seniors to the petitioner to be absorbed. It took a negative stand with regard to the qualification which is found to be incorrect.

11. In the above circumstances, an Award is passed directing the respondent to appoint the petitioner as Clerk Grade III in any one of its Departments in the State of Andhra Pradesh. The petitioner is entitled to wages of Clerk Grade III from one month after the publication of the Award.

Dictated to the Steno-typist, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal this the 26th day of March, 1998.

V. V. RAGHAVAN, Industrial Tribunal-I

Appendix of Evidence.

Witnesses Examined for petitioner:

W.W1 T. Kistaiah

W.W2 Bhoopathi Apparao

W.W3 G. Ramchandar.

Documents marked for the Petitioner:

Ex. W1 Xerox copy of appointment order of WW1 dated 6-2-1975.

Ex. W2 Transfer order of WW1 dated 31-1-86.

Ex. W3 Transfer order of WW1 dt. 4-9-87.

Ex. W4 Xerox copy of Identity Card of WW1.

Ex. W5 Copy of application of WW1 dt. 2-9-87.

Ex. W6 Copy of representation dt. 30-11-87 sent by the Union.

Ex. W7 Minutes of Joint meeting held on 23-8-88.

Ex. W8 Copy of representation dated 16-9-1995 sent by the Union to ALC.

Ex. W9 Xerox copy of Minutes held before the Central Labour Commissioner, dated 29-9-95.

Ex. W10 Xerox Copy of minutes between the union and management held on 3-10-96.

Witnesses Examined for Respondent:

M.W1. Dr. K. Jayachandrudu

M.W2 M.S.S. Sarma

Ex. W11 Xerox copy of circular dated 14-10-1996, calling upon information about the employees sent by the CMO to Chairman.

Ex. W12 Xerox copy of statement showing the particulars in reply to Ex. W11.

Ex. W13 Xerox copy of G.O. Ms. No. 249, dated 8-2-62.

Ex. W14 Higher Secondary School Record of the Petitioner (WW1).

Documents marked for the Respondent :

Ex. M1 Xerox copy of application to provide light Misc. jobs.

Ex. M2 Xerox copy of Memorandum of settlement dated 31-7-97.

नई दिल्ली, 3 नवम्बर, 1998

आ. 2409.—औद्योगिक विवाद अधिनियम, 1947 (1947 वा 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार में इंडियन एयर लाइन्स के प्रबंधन के संबंध में निम्नलिखित आदेशों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिवरण, नई दिल्ली के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 3-11-98 को प्राप्त हुआ था।

[सं. एन-11012/10/87-डी II बा/आईआर (सी-I)]
श्याम सुन्दर गुप्ता, डेस्क अधिकारी

New Delhi, the 3rd November, 1998

S.O. 2409.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Indian Airlines and their workman, which was received by the Central Government on 3-11-98.

[No. L-11012/10/87-D. II (B)/IR (C-I)]
S. S. GUPTA, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 53/88

In the matter of dispute :

BETWEEN :

Shri Balraj Sharma C/o. Vinay Sabharwal,
6. Original Road, Karol Bagh, New Delhi.
Versus

The Manager Personnel Services, Indian Airlines,
Northers Region, Thaper House, Janpath, New Delhi.

APPEARANCES :

None—for the workman.
Shri Praveen Sharma—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-11012/10/87-D.II(B) dated 6-5-88 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Indian Airlines, New Delhi in terminating Shri Bal Raj Sharma from service with effect from 22-12-1983 is legal/

justified ? If not, to what relief the workman concerned is entitled and from what date ?

2. In the statement of claim the workman has alleged that he has been working with the management of Indian Airlines as Loader w.e.f. 12-10-83 and was performing the duties of regular nature. On 22-12-83 he was instructed to attend Flight No. 402 at about 8.10 PM at Delhi Airport. He was supposed to commission the conveyer belt and during this process his foot got trapped in the roller of the belt and its sole got crushed. He got temporarily disabled and got himself treated at Safadarjung Hospital and subsequently at Dr. Sharma's Nursing Home in respect of the said injury. Finally on 26-12-95 he became fit to join duties as certified by the said Doctor and he then approached the management to take him on duty but was not taken on duty by the management. Hence, this reference for reinstatement with full back wages and continuity of service.

3. The Management in its written statement alleged that the statement of claim filed by the workman was misconceived frivolous and liable to be dismissed. He was not employed for any duties of regular nature. He in fact was taken as casual loader to meet its sudden requirements in case of absentism of its regular staff. He was on duty on 23-12-83 and was allotted Flight No. IC-402 when due to his own negligence he got himself trapped in the conveyor belt and got injured wherefrom he was sent to Safdarjung Hospital. He was casual labour and had been engaged on casual basis and had worked only for 11 days in all with the management and there was no question of his being in regular employment nor could he be reinstated by the management.

4. The Management examined Shri H. C. Bajaj MW1 while the workman himself appeared as WW1 in support of their evidence.

5. I have heard representatives for the parties and have gone through the record.

6. The Management contention that the workman had worked for only 11 days has not been denied by the workman in his cross-examination and he stated that he did not remember if he worked only for 11 days with the management. He has, however, admitted that no appointment letter was issued to him and no interview was conducted. The Management has in its evidence and pleadings alleged that he had worked for 11 days only from 12-10-83 to 22-10-83 when he got his foot trapped in the roller of the conveyor belt. The contention of the workman that he was admitted to and discharged in Dec. 1985 from the Dr. Sharma's Nursing Home also does not find any support from any document on record. He has, however, admitted contention of the management that he was immediately referred to Safdarjung Hospital for treatment. The contention of the Management in this case appears to be sound and must prevail. The workman was a casual labour who worked only for 11 days and was not entitled to any reinstatement with the Management. The Hon'ble High Court of Madras in Writ petition No. 2558 of 1971 titled as Crompton Engineering Co. (Madras) Private Limited Vs. Additional Labour Court, Madras and others has held as follows :—

"Whether is no principle or provision of law entitling a casual workman to reinstatement simply because he was so employed on more than one occasion or he so worked for a long period of time. Therefore, such an employee, is not entitled to reinstatement even if he had been so employed for a long time."

7. In view of the peculiar facts of this case there is no ground to grant any relief to the workman in this case. Parties are, however, left to bear their own costs.
23rd October, 1998.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 3 नवम्बर, 1998

वा.अ. 2410. औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार में. अर. ब्यू. एस. के. कम्पनी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं-2) धनबाद के पंचाट को प्रवाहित करती है, जो केन्द्रीय सरकार को 3-11-98 को प्राप्त हुआ था।

सं. एल.-20012/75/90--आई अर (सी-1)

श्याम सुन्दर गुप्ता, डेस्क अधिकारी

New Delhi, the 3rd November, 1998

S.O. 2410.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, (No. 2) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. R.Q.S.K. Company and their workman, which was received by the Central Government on 3-11-98.

[No. L-20012/75/90-IR(C-I)]

S.S. GUPTA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT :

Shri B.B. Chatterjee, Presiding Officer

In the matter of an Industrial Dispute under
Section 10(1)(d) and sub-section 2(k)
of the I.D. Act, 1947
Reference No. 25 of 1990

PARTIES :

Employers in relation to the management of
Mangalhat Mines of M/s. R.Q.S.K.
Company, Calcutta and their workman.

APPEARANCES :

On behalf of the workman—None.

On behalf of the employers—None.

STATE : Bihar INDUSTRY : Stone Mines.
Dated, Dhanbad, the 13th October, 1998

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) and sub-section 2(k) of the I.D. Act, 1947 has referred the following dispute

to this Tribunal for adjudication vide their Order No. L-20012/75/90-IR.(Coal-I), dated, the 19th October, 1990.

SCHEDULE

"Whether the demand of Mangalhat Khadan Mazdoor Sangh for regularisation as monthly paid workmen of S/Shri Bishun Yadav, Jogin Mandal, Bijali Yadav, Shibnarayan Yadav, Panchu Yadav, Binod Saha, Pasupati Saha, Shibnandan Upadhyay and Baski Yadav Night Guards M/s. R.Q.S.K. Company is justified ? if so, to what relief the workmen are entitled to ?"

2. Soon after the receipt of the order of reference notices were duly served upon the parties. But neither of the parties turned up nor took any steps. Thereafter several adjournments were granted to the parties and then again notices were issued to them. But inspite of the issuance of notices to them they neither appeared nor took any steps. It therefore leads me to an inference that presently there is no dispute existing between the parties. In the circumstances, I have no other alternative but to pass a 'No dispute' Award in this reference.

B.B. CHATTERJEE, Presiding Officer

नई दिल्ली, 3 नवम्बर, 1998

वा अ 2411 :- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिरका कोलियरी अफ मै. सी. सी. एस. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं.-2), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-11-98 को प्राप्त हुआ था :

[सं. एल.-20012/31/90-आई अर (सी -I)]

श्याम सुन्दर गुप्ता, डेस्क अधिकारी

New Delhi, the 3rd November, 1998

S.O. 2411.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Sirka Colliery of M/s. CCL and their workmen, which was received by the Central Government on 3-11-98

[No. L-20012/81/90-IR(C-D)]

S. S. GUPTA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL (NO. 2), AT DHANBAD

PRESENT :

Shri B. B. Chatterjee, Presiding Officer

In the matter of an industrial dispute under Section
10(1)(d) and sub-section 2(k) of the I.D. Act, 1947.

Reference No. 41 of 1990

PARTIES :

Employers in relation to the management of Sirka Colliery of M/s. C.C.L. and their workmen.

APPEARANCES :

On behalf of the workmen.—None.
On behalf of the employers.—None.

STATE : Bihar. INDUSTRY : Coal.

Dated, Dhanbad, the 12th October, 1998

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. J-20012/81/90-I.R. (Coal-I), dated, the 31st October, 1990.

SCHEDULE

"Whether the action of the management of Sirka Colliery of Central Coalfields Ltd., at Sirka, P.O. Argada, Dist. Hazaribagh by putting Sri. S. K. Gupta under suspension w.e.f. 19-4-89 and onwards, not making payment of his wages for the sick period from 3-4-89 to 11-4-89, wages for the period of forced idleness from 12-4-89 to 18-4-89 subsistence allowance for the period from 19-4-89 to 30-4-89 and not allowing him to avail other allied fringe benefits provided by the management from time to time is justified? If not, to what relief the workman concerned is entitled to?"

2. Soon after the receipt of the order of reference notices were duly served upon the parties. But none of the parties turned up before this Tribunal nor took any steps. Then again and again notices were issued to them but in spite of the issuance of the notices to them they neither appeared nor took any steps. It therefore leads me to an inference that presently there is no dispute existing between the parties. In the circumstances, I have no other alternative but to pass a 'No dispute' Award in this reference.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 3 नवम्बर, 1998

का. आ. 2412 :- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में बी. सी. सी. एल. का बरारी कोलियरी के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिवरण (सं.-2), धनबाद के पचाद नो प्रवाहित करती है, जो केन्द्रीय सरकार को 3-11-98 को प्राप्त हुआ था।

[सं. एल.-20012/171/92-आई आर (सी - I)]

श्याम सुन्दर गुप्ता, डेस्क अधिकारी

New Delhi, the 3rd November, 1998

S.O. 2412.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bararee Coll. of M/s. B.C.C.L. and their workman, which was received by the Central Government on 3-11-98.

[No. L-20012/171/92-IR (C-I)]

S. S. GUPTA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

PRESENT :

Shri B. B. Chatterjee, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) and sub-section 2(k) of the I.D. Act., 1947.

Reference No. 85 of 1993.

PARTIES :

Employers in relation to the management of Bararee Colliery of M/s. B.C.C.L. and their workmen.

APPEARANCES :

On behalf of the workmen.—None.

On behalf of the employers.—None.

STATE : Bihar.

Industry : Coal.

Dated, Dhanbad, the 13th October, 1998

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) and sub-section 2(k) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. J-20012(171)/92-I.R. (Coal-I), dated, the 8th July, 1993.

SCHEDULE

"Whether the demand of the union for assessment of his age/date of birth of Shri Dalsingar Bhar, E.B. No. 212056 of Bararee Colliery under Bhowra Area of B.C.C.L. by Medical Board is justified? If not, to what relief the workman is entitled?"

2. Soon after the receipt of the order of reference notices were duly served upon the parties. But neither of the parties turned up nor took any steps. Thereafter the case proceeded along its course, and then again notices were issued to the parties. But in spite of the issuance of notices to them the parties neither appeared before this Tribunal nor took any steps. It therefore leads me to an inference that presently there is no dispute existing between the parties. In the circumstances, I have no other alternative but to pass a 'No dispute' Award in this reference.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 3 नवम्बर, 1998

का. आ. 2413 :- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में बी. सी. सी. एल. का कुस्तोर कोलियरी के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिवरण (सं.-2), धनबाद के पचाद नो प्रवाहित करती है, जो केन्द्रीय सरकार को 3-11-98 को प्राप्त हुआ था।

[सं. एल.-20012/180/92-आई आर (सी - I)]

श्याम सुन्दर गुप्ता, डेस्क अधिकारी

New Delhi, the 3rd November, 1998

S.O. 2413.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2)

Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kustore Colliery of M/s. B.C.C.L. and their workman, which was received by the Central Government on 3-11-98.

[No. L-20012/190/92-IR (C-I)]

S. S. GUPTA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

Shr B. B. Chatterjee,
Presiding Officer

In the matter of an Industrial dispute under Section 10(1) (d) and sub-section 2(k) of the I. D. Act, 1947.

REFERENCE NO. 117 OF 1993

PARTIES :

Employers in relation to the management of Kustore Colliery of M/s. B.C.C.L. and their workmen.

APPEARANCES :

On behalf of the workmen : None.
On behalf of the employers : None.

State : Bihar. Industry : Coal.

Dated, Dhanbad, the 16th October, 1998

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) and sub-section 2(k) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(190)92-I. R. (Coal-I), dated the 29th July, 1993.

SCHEDULE

"Whether the action of the management of Kustore Colliery of Kustore Area of M/s. Bharat Coking Coal Ltd., Dhanbad is justified in not placing the workman Shri Babulal Lohar, Shovel Operator in excavation Grade-D from 4-2-87 when he was working in Cat. VI since 1981? If not, to what relief the workman is entitled and from what date?"

2. Soon after the receipt of the order of reference notices were duly served upon the parties. But none of the parties turned up nor took any steps. Then again and again notices were issued to the parties but in spite of the issuance of notices to them they neither appeared nor took any steps. It therefore leads me to an inference that presently there is no dispute existing between the parties. In the circumstances, I have no

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other alternative but to pass a 'No dispute' Award in this reference.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 3 नवम्बर, 1998

का.ग्रा. 2414.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ने बी.सी.सी.एल. का गोविन्दपुर कोदारी के प्रबन्धतंत्र के सबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं.-2), अनुवाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-11-98 को प्राप्त हुआ था।

[सं. एल-20012/207/95-आई.आर (सी-I)]

श्याम सुन्दर गुप्ता, डेस्क अधिकारी

New Delhi, the 3rd November, 1998

S.O. 2414.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Govindpur Colliery of M/s. B.C.C.L. and their workman, which was received by the Central Government on 3-11-98.

[No. L-20012/207/95-IR (C-I)]

S. S. GUPTA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT

Shri B. B. Chatterjee,
Presiding Officer.

In the matter of an Industrial dispute under Section 10(1)(d) and sub-section 2(k) of the I.D. Act. 1947.

REFERENCE NO. 87 OF 1996

PARTIES :

Employers in relation to the management of Govindpur Colliery of M/s. B.C.C.L. and their workmen.

APPEARANCES :

On behalf of the workmen : None.
On behalf of the employers : None.

State : Bihar. Industry : Coal.

Dated, Dhanbad, the 15th October, 1998

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) and sub-section 2(k) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/207/95-IR (Coal-I), dated the 23rd August, 1996.

SCHEDULE

"Whether the demand by the Union for employment of Shri Kuldip Bhuia as a dependent of late Pachota Kamin Ex-Wagon Loader, Govindpur Colliery under para 9.4.2 of NCWA-IV, is justified? If so, to what relief is Shri Kuldip Bhuia entitled?"

2. Soon after the receipt of the order of reference notices were duly served upon the parties. But neither of the parties turned up nor took any steps. Thereafter the reference proceeded along its course and again notices were issued to them. But in spite of the issuance of notices to them they neither appeared nor took any steps. It therefore leads me to an inference that presently there is no dispute existing between the parties and in the circumstances I have no other alternative but to pass a 'No dispute' Award in this reference.

B. B. CHATTERJEE, Presiding Officer.

नई दिल्ली, 3 नवम्बर, 1998

का.आ. 2415.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. बी. सी. सी. एल. के प्रवन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार अधिकरण (सं.-2), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-11-98 को प्राप्त हुआ था।

[सं. एल-20012/235/86-डी-IIIए/आईआर.सी-1]
श्याम सुन्दर गुप्ता, डेस्क अधिकारी

New Delhi, the 3rd November, 1998

S.O. 2415.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 3-11-98.

[No. L-20012/235/86-D. III A/IR (C-I)]
S. S. GUPTA, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD PRESENT :

Shri B. B. Chatterjee, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 186 OF 1987

PARTIES :

Employers in relation to the management of Bharat Coking Coal Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : None.

State : Bihar.

Industry : Coal.

Dated, Dhanbad, the 14th October, 1998

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/235/86-D.III(A), dated the 2nd January, 1987.

SCHEDULE

"Whether the action of the management of M/s. Bharat Coking Coal Limited in issuing a notice under Section 9A of the Industrial Disputes Act, 1947 an in reverting their workmen, whose names are given below from Technical Grade-'A' to Technical Grade-B or 'C' as the case may be, is justified? If not, to what relief are those workmen entitled?"

1. Shri B. B. Singh.
2. Shri Jabbar Ansari.
3. Shri N. K. Vishwakarma.
4. Shri T. I. Das.
5. Shri N. K. Dutta.
6. Shri B. D. Goshwami.
7. Shri S. Ansari.
8. Shri G. P. Lala.
9. Shri C. I. Singh.
10. Shri Subash Kumar and
11. Shri Nizam Ansari.

2. Soon after the receipt of the order of reference notices were served upon the parties. But none of the parties appeared before this Tribunal nor took any steps. Thereafter the case proceeded along its course, and then again notices were issued to the parties. But in spite of issuance of notices to the parties they neither turned up nor took any steps. In the circumstances, I have no other alternative but to pass a 'No dispute' Award in this reference presuming that presently there is no dispute existing between the parties.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 3 नवम्बर, 1998

SCHEDULE

का.आ. 2416.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै.बी.सी.सी.एल. के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं-2), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3/11/98 को प्राप्त हुआ था।

[सं. एल-20012/258/92-आईआर. (सी.-I)]

श्याम सुन्दर गुप्ता डेस्क अधिकारी

New Delhi, the 3rd November, 1998

S.O. 2416.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, (No. 2) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 3-11-1998.

[No. L-20012/258/92-IR (C-I)]

S. S. GUPTA, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT

DHANBAD.

PRESENT :

Shri B. B. Chatterjee, Presiding Officer.

In the matter of an Industrial Dispute under
Section 10(1)(d) and sub-section 2(k) of
the I. D. Act, 1947.

REFERENCE NO. 138 OF 1993

PARTIES :

Employers in relation to the management of
NLOCP of M/s. B.C.C.L. CV Area and
their workmen.

APPEARANCES :

On behalf of the Workmen : None.

On behalf of the Employers : None.

STATE : Bihar. INDUSTRY : Coal.

Dated, Dhanbad, the 12th October, 1998.

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) and sub-section 2(k) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(258)/92-I. R. (Coal-I), dated 27-8-93/1-9-1993.

"Whether the action of the management of NLOCP of M/s. B.C.C.L. CV Area No. XII in superannuating Shri Sanichar Bhuiya, Wagon Loader w.e.f. 1-7-1991 is justified? If not, to what relief the workman concerned is entitled to?"

2. Soon after the receipt of the order of reference notices were duly served upon the parties. But none of the parties turned up nor took any steps. Thereafter several adjournments were granted to the parties and then again notices were issued to them. But inspite of the issuance of notices to them they neither appeared nor took any steps. It, therefore, leads me to an inference that presently there is no dispute existing between the parties. In the circumstances, I have no other alternative but to pass a 'No Dispute' Award in this reference.

B. B. CHATTERJEE, Presiding Officer.

नई दिल्ली, 3 नवम्बर, 1998

का.आ. 2417.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. मूनोडीह प्रोजेक्ट के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं-2), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-11-98 को प्राप्त हुआ था।

[सं. एल. 20012/370/92-आईआर(सी.-I)]

श्याम सुन्दर गुप्ता, डेस्क अधिकारी

New Delhi, the 3rd November, 1998

S.O. 2417.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Moonidih Project and their workman, which was received by the Central Government on 3-11-1998.

[No. L-20012/370/92-IR (C-I)]

S. S. GUPTA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2)
AT DHANBAD.

PRESENT :

Shri B. B. Chatterjee, Presiding Officer

In the matter of an Industrial Dispute under
Section 10(1)(d) and sub-section 2(k) of the
I. D. Act, 1947.

REFERENCE NO. 108 OF 1993

PARTIES :

Employers in relation to the management of Moonidih Project and their workmen.

APPEARANCES :

On behalf of the workmen : Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

On behalf of the employers : Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 12th October, 1998.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) and sub-section 2(k) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(370)/92-I.R. (Coal-I), dated the 16th July, 1993 with the following schedule :

SCHEDULE

"Whether the action of the management of Moonidih Project of M/s. B.C.C.L., P.O. Moonidih, Dist. Dhanbad in dismissing Shri P. C. Gope Winding Engine Operator w.e.f. 17/20-4-92 is justified ? If not, to what relief the workman is entitled ?"

2. The concerned workman has made out a case in his W.S. which may be stated as follows :—

The concerned workman Shri P. C. Gope had been working as permanent winding engine helper at Moonidih Colliery since long but he started absenting from duty without taking any leave due to serious illness for which he started undergoing medical treatment from Moonidih Project Hospital from 24-10-88 and he continued such treatment there till 7-2-89. But the negligence and callousness of the Medical Hospital doctor in treating the concerned workman resulted in loss of faith of the concerned workman on the doctor of the said Project Hospital which resulted in mental disbalance etc. for which the relative of the concerned workman took him to Ranchi for his treatment by a Psychiatrist. The concerned workman informed the manager for his treatment and illness but in spite of that the management issued a chargesheet dt. 1/3-5-89 for his unauthorised absence from duty with effect from 18-10-88. Such chargesheet was not only illegal but was also ipso facto mala fide as well. The concerned workman, however, gave reply

to the chargesheet denying the charge explaining therein the entire state of affairs leading to such unauthorised absence from duty and explanation though satisfactory yet the management decided to conduct a departmental enquiry. Thereafter the management issued a letter to the concerned workman directing him to participate in such domestic enquiry. The concerned workman informed the management that as his medical treatment was going on he was not in a position to be present in the domestic enquiry but for the reasons best known to the management the departmental enquiry was conducted by a biased officer appointed as Enquiry Officer. Such departmental enquiry was invalid and irregular but on the basis of such enquiry the concerned workman was dismissed. The concerned workman represented before the management against that illegal and arbitrary dismissal order but to no purpose and as such the concerned workman finding no other alternative raised an industrial dispute before the ALC(C), Dhanbad challenging the illegal and arbitrary dismissal order against him. Attempt for conciliation made but the same ended in failure and a report to that effect having submitted to the Govt. of India, the Govt. of India, Ministry of Labour has been pleased to refer the dispute as mentioned in the schedule for adjudication to this Tribunal. The order of dismissal passed by the management was illegal, unjustified and arbitrary and against the principles of natural justice as the concerned workman was dismissed by an unauthorised person in utter violation of the provision of the Standing Order. The chargesheet was also illegal and invalid in violation of the standing orders and an unauthorised person was appointed the Enquiry Officer. The concerned workman has also made out a case that the order of dismissal was too harsh and disproportionate and as such he has prayed for an award by an order directing the management to reinstate him with full back wages.

3. The management has also filed a W.S.-cum-rejoinder as against the W.S. of the concerned workman wherein the management has challenged the legality and maintainability of the present reference and has made out a case to the effect that the concerned workman Shri P. C. Gope was in the habit of absenting from duty unauthorisedly off and on without obtaining any prior permission although he was holding a statutorily responsible post of Winding Engine Operator and his frequent absence without prior permission resulted in difficult situation as no person could come out from the mine and no person go down to the mine through the pit unless the Winding Engine is operated by a competent operator. As the concerned workman was found absenting from duty from office without permission and he committed misconduct of habitual absence from duty and habitual late attendance for which a chargesheet was issued against him on 7/8-4-87 detailing the

number of days he worked from January, 1985 to March, 1987 and charging under clause 17(1)(d) of the Certified Standing Orders for habitual late attendance and habitual absence without leave or without sufficient cause. The concerned workman though received the chargesheet mentioned above he did not submit any reply and also remained absent from duty from October, 1988 continuously without any information to the management. The management appointed Shri P. Maharaj, Dy. Personnel Manager, Moonidih Area as Enquiry Officer to conduct departmental enquiry relating to the chargesheet dt. 7/8-4-87 issued to the concerned workman by letter dt. 22/24-5-89, while Shri R. C. Srivastava, Sr. P. O. of Moonidih Colliery was appointed as Presenting Officer. The Enquiry Officer issued notice of enquiry dt. 3-6-89 fixing the date of enquiry on 14-6-89 which was sent to the concerned workman by Regd. Post at his local address and also home address. Those letters however were not served upon the concerned workman as he was neither found in the local address nor in the home address. The Enquiry Officer fixed another date on 18-8-89 and again issued notice dt. 8-8-89 to the concerned workman by Regd. Post at his home address and another copy of letter at his local address. The copies of the notices were also published in the local newspaper "Awaz" and "Janmat" yet the concerned workman did not attend the enquiry on 18-8-89 but deputed his co-worker Shri S. Ansari, Overman of the colliery who produced authorisation for representing the concerned workman in that enquiry and filed an application under the signature of the concerned workman along with certain medical prescriptions. The Enquiry Officer adjourned the enquiry to 24-8-89 with consent of both the parties but on that also the concerned workman did not turn up for participating in the domestic enquiry and he also did not send any information stating his difficulties in attending the enquiry. The co-worker Shri Ansari did not turn up yet the enquiry was adjourned to 20-12-89. The Enquiry Officer sent enquiry notice dt. 13/14-12-89 fixing the date of enquiry on 20-12-89. The concerned workman received that letter but did not attend the enquiry on 20-12-89. His co-worker Shri Ansari, Overman of Moonidih Project appeared before the Enquiry Officer and submitted an application requesting and adjournment of the enquiry to another date. The Enquiry Officer requested Sri Ansari to proceed with the case as it was not advisable to adjourn the enquiry again and again and Shri Ansari left for consulting the concerned workman but thereafter did not turn up for the purpose of participating in the enquiry for which the Enquiry Officer held the enquiry *ex parte* on 20-12-89 and same was completed on that very date. Thus the Enquiry Officer gave full opportunity to the concerned workman to defend his case but the concerned workman deliberately avoided to attend the

enquiry. The Enquiry Officer submitted his report through a forwarding letter dt. 25-3-92 addressed to the Superintendent of Mines of Moonidih Project. The enquiry proceeding, the report and all other connected papers were examined by the competent authority and the G. M. approved the dismissal of the concerned workman. Accordingly the concerned workman was dismissed from service by an order dt. 17/20-4-92. The concerned workman did not make any representation during the period from 20-12-89 till the date of his dismissal expressing his willingness to participate in the domestic enquiry or justifying his unauthorised habitual absence from duty without permission, and also for his long absence from October, 1988 till 1992 the date of dismissal. The sponsoring union has raised the present dispute after dismissal of the concerned workman from service in the spirit of gambling in litigation. In fact, the concerned workman is a solvent persons for which he was not at all interested in any job. He is running his own business and he got the present dispute raised through the sponsoring union with a view to earn some money with some pretext by deliberately avoiding domestic enquiry in a pre-planned way. Naturally the management has claimed that the concerned workman is not entitled to any relief and an Award to that effect in favour of the management should be passed.

4. In addition the case made out in the W.S. the management has also filed a rejoinder making parawise comments of the contents of the W. S. of the concerned workman and in doing so the claim of the management is that the contents of para-1 of the W. S. is not fully correct. In respect of para-2 the contents are incorrect the contents of para-3 to be not fully correct and therefore denied. The claim of the management is that so far the contents of para-4 of the W. S. of the workmen are concerned those are incorrect and as such denied. The Hospital doctor did not concede to the request of the concerned workman to give him false certificate as a result of which he did not want any treatment from the company's doctor or to be referred to any other specialist doctor of the company. The contents of para-5 and 6 of the W. S. of the concerned workman as per claim of the management those are incorrect and as such denied. Similar is the claim of the management in respect of contents of para-7 of the W. S. and the management as against the contents of para-8 of the W. S. of the workman has claimed that the chargesheet was quite legal and it was not at all *ipso facto* mala-fide. The management has claimed the contents of para-5 of the W.S. to be incorrect and same have been denied. In fact the concerned workman did not submit any reply to the chargesheet dt. 7/8-4-87. The management also denied the contents of para-10, 11 and 12 as correct and in respect of the contents of para 13, 14 of the W.S.

of the workman the say of the management is that those are incorrect and as such denied. The enquiry was not at all irregular, invalid or that it was conducted by a biased and prejudiced Enquiry Officer. The management has also denied that the management adopted anti-labour policy in dismissing the concerned workman but in fact the concerned workman was dismissed on the basis of the finding arrived at in the departmental enquiry proceeding conducted in accordance with the principles of natural justice and as such the action of the management was not at all illegal or arbitrary. The management has also denied the contents of para-16 to 19 of the W. S. of the workman by claiming the order of dismissal passed against the concerned workman was not illegal, arbitrary, unjustified or contrary to the provision of the standing orders or even principles of natural justice. It has also been denied that the concerned workman was dismissed by an unauthorised person and that the enquiry officer was appointed by an unauthorised person. The management has also denied the contents of rest of the paras of the W.S. of the concerned workman and ultimately claimed that the charges levelled against the concerned workman was established in the domestic enquiry which was legal fair and proper.

5. The concerned workman filed a rejoinder as against the W.S. of the management by making parawise comments and in doing so the claim of the workman is in respect of the contents of para-2 is that those are false, frivolous and motivated and as such denied. The dispute under reference is legal, maintainable. In respect of para-3 of the W.S. the workman has denied the same and has claimed that the allegations made therein are baselessly false. So far the allegation of habitual absence from duties unauthorisedly etc. are concerned including the story of difficulties experienced by the management due to the absence of the concerned workman from duties the workman has claimed the contents of para 4 of the W. S. as false etc. and denied the same. As per statement of the workman it is false to allege that the concerned workman committed misconduct as per provision of certified standing orders by remaining absent from duty without reasonable excuse. The contents of para-5 as per claim of the concerned workman are false and motivated. In fact, the concerned workman received the chargesheet during his illness for which it was not possible for him to give reply to the chargesheet immediately. The claim of the concerned workman is that the concerned workman was not even allowed to resume his duty when he reported for the same on the ground that the chargesheet was issued against him. In reply to the contents of para-6 of the W. S. the claim of the concerned workman is that a biased prejudicial officer was appointed as Enquiry Officer to conduct the domestic enquiry by letter dt. 22/24-5-89 and although the enquiry officer was

appointed on 24-5-89 it was in respect of appointment of a chargesheet issued in the year 1987 after lapses of 2 years and that no chargesheet was issued to the concerned workman on 3-5-89 for remaining absent from duty. The contents of para-7 of the W. S. of the management as per claim of the workman, those are false motivated and as such denied. The concerned workman has also denied the statement made in para-8 of the W. S. of the management. Similar is the claim of the concerned workman in respect of the statement made in para-9 and 10 of the W.S. of the management which are false frivolous and motivated. The enquiry Officer could have adjourned the domestic enquiry proceeding to some other date giving an opportunity to the concerned workman for recovery from illness without completing the enquiry on 22-12-89 in hot haste and **exparte manner**. The concerned workman has denied the contents of para-11 of the W. S. So far the claim of giving full opportunity to the concerned workman to defend his claim in the domestic enquiry etc. are concerned. In respect of contents of para-12 of the W. S. the claim of the concerned workman is that those are false and motivated as for the alleged affence a chargesheet was issued against the concerned workman in the year 1987 but the Enquiry Officer was appointed after a lapse of 2 years in the year 1989 and surprisingly enough although the domestic enquiry proceeding was completed **exparte** in later part of December, 1989 the report was submitted by the Enquiry Officer on 25-3-92. The finding of the enquiry officer was in fact perverse yet the concerned workman on the basis of such finding have been dismissed from service. In respect of contents of para-13 of the W. S. the claim of the concerned workman is that those are false motivated. The present dispute was not raised with a spirit of gambling in litigation. Similarly in respect of contents of para-15 of the W. S. the concerned workman has claimed those to be false to the effect that the concerned workman is a solvent person or that he is not interested for any job or that he is running his business, or even that the present dispute has been raised at the instance of the concerned workman by the sponsoring union with a view to earn some money on some pretext or otherwise and on all these grounds the concerned workman has prayed for granting him relief as prayed in his W. S.

POINTS FOR DECISION

6. The point for decision is whether the concerned workman is entitled to an order of reinstatement in service and thereby to the relief as prayed for in the W. S. upon a finding to the effect that the action of the management of Moonidih Colliery of M/s. BCCL in dismissing the concerned workman is not justified.

DECISIONS AND REASONS

Both parties have adduced oral evidence in support of their respective cases and in doing so the concerned workman has examined himself as WW-1 while the management has examined two witnesses namely Sitaram Mahato who is MW-1 and Rabindra Chandra Srivastava who is MW-2. In addition the management has also produced a number of documents admitted in the evidence and marked as Ext. M-1 to M-12. Before I enter into the discussions of the evidentiary value of the statements of the witnesses on each side it may be mentioned here that there are certain facts in this reference over which there is no dispute. Those facts are that the concerned workman while acting as Winding Engine Operator at Moonidih Project remained absent from duty for a considerable period from October, 1988 is such fact over which there is no dispute. Similarly there is no dispute that such absence of the concerned workman from duty having treated as unauthorised on the side of the management a departmental proceeding was started against him with specific charge which was held exparte in the absence of the concerned workman. The domestic enquiry or the departmental enquiry was conducted exparte against the concerned workman was decided as not fair and proper by this Tribunal earlier by order No. 41 dt. 20-9-96. The concerned workman has made out a case of his illness preventing him from attending his duty while the management has made out a case that the concerned workman was in the habit of remaining absent from duty without prior permission or leave and he was also in the habit of attending his duty at late hours. There is no dispute that the concerned workman was dismissed on conclusion of the domestic enquiry held exparte on the allegation of misconduct because of unauthorised absence from duty. The concerned workman during his examination has stated that he was served with a chargesheet by the management on 23-3-87 for the first time and he was also placed under suspension. According to him there was no specification in the chargesheet about the nature or the allegation against him of the reasons for which he was placed under suspension. The concerned workman as per his evidence was served with a second chargesheet on 8-4-87 while the allegations levelled against him was of frequent absence unauthorisedly from duty. The claim of the workman that he used to inform the management for his absence from duty and submit application in connection with the same praying for leave and that during the period when he was served with a chargesheet he was under medical treatment in the hospital as Moonidih which was well within the knowledge of the management. The claim of the workman is that he was medically treated even outside the company's hospital and that the allegations levelled against him

of habitual absence from duty in fact was not at all correct. He, however, admitted that he did not participate in the domestic enquiry proceeding but at the same time he denied the allegations of moving here and thereby driving scooter and performing duties of getting coal loaded in the trucks during the period of such unauthorised absence and that according to him at the relevant time in the Project in which he was attached the total number of Winding Engine Driver was 24. During his cross-examination the management got the second chargesheet proved by the witness and ascertained by way of cross-examination that in the second chargesheet dt. 8-4-87 the number of days of his absence were there in the chargesheet. The witness also admitted in his cross-examination that in fact he had no paper to show that he was undergoing medical treatment at Moonidih hospital or elsewhere during the period of his absence from duty and that he has also got no paper to show that he applied for leave and the same was sanctioned by the management for the period of his absence from duty. It was suggested to the witness during cross-examination that in fact while he was absent from duty he served elsewhere by intentionally absenting himself from duty but the witness denied the same. This is the sum and substance of the evidence adduced on the side of the workman. On the other hand as I have already stated the management has examined two witnesses on their sides to prove the correctness of the allegations levelled against the concerned workman in the chargesheet dt. 8-4-87. Out of those two witnesses Sitaram Mahato who is an employee of BCCL and attached to Moonidih Colliery in the Establishment Section has posed himself as MW-1. His evidence is that in the year 1987, the concerned workman who is known to him was served with a chargesheet for his unauthorised absence from duty. The witness has proved that chargesheet. He has also claimed that he deposed as witness in the departmental enquiry proceeding against the concerned workman but in fact as it is evident from the subsequent part of his evidence in chief that he produced muster roll for the purpose of proving unauthorised absence of the concerned workman from his duty. This is the sum and substance of the evidence in examination-in-chief of MW-1. But during cross-examination the witness admitted that the first chargesheet served upon the concerned workman was dt. 23-3-87 and with effect from same date the concerned workman was placed under suspension yet a second chargesheet was issued against the concerned workman which was dt. 8-4-87 and again an order of suspension was passed against the concerned workman. The witness during his cross-examination could not deny if Shri Gope, the concerned workman was under medical treatment in the colliery hospital in the year 1985, 1986 and he also expressed his inability to say if Shri Gope was served with a chargesheet by an

authority as per certified standing orders. The evidence of this witness is thus practically of no help to the management for the purpose of bringing home the charge levelled against the concerned workman by serving chargesheet dt. 8-4-87.

8. MW-2 is another witness on the date of his examination he was P.M. of Lodna Area of BCCL. He was attached to Moonidih Project from November, 1985 to August, 1986. The witness has claimed that he deposed as a witness in the departmental enquiry proceeding against the concerned workman Shri P. C. Gope and he also acted as Representative of the management in that proceeding and in his capacity as such he produced certain documents before the Enquiry Officer after preparing photo copies of the same marked as Ext. M-1 and M-9. The witness has tried to depose that in fact the original of those documents were produced in the domestic enquiry but ultimately he had to admit that in fact the photo copies of those documents i.e. Ext. M-9 were actually produced as the original were not available. It is also the claim of the witness that the allegation against the concerned workman Shri Gope was of remaining absent from duty but sometimes as per his statement Shri Gope used to submit application with prayer for treating the absence as sick leave and all those papers were produced before the Enquiry Officer. He, however, could not recollect if the concerned workman reported his mental sickness but as per claim of the witness he saw Shri Gope driving scooter and moving from here and there during the period of alleged suffering of mental sickness. The witness has also claimed Sri Gope used to remain engage for loading coal in the siding for somebody else other than his employers and by stating all these things the witness has tried to prove that in fact the absence of Shri Gope from duty was intentional amounting to misconduct. The witness has deposed during his examination relating to certain facts which are not mentioned in the W.S-cum-rejoinder filed on the side of the management. Be that as it may during last part of his cross-examination the witness admitted that in fact the Attendance Register is most relevant document for the purpose of proving unauthorised absence of an employee and that Ext. M-9 is in fact photo copy of the Muster Roll. The witness has also expressed his inability to produce original Muster Roll or Attendance Register for the purpose of proving unauthorised absence of the concerned workman during the period mentioned in the chargesheet served upon him. During cross-examination the witness has also admitted that he personally enquired into the claim of the concerned workman relating to his suffering of certain mental disease but curiously enough when serious allegation of misconduct of unauthorised absence has been levelled against him he did not prepare any paper showing the result of such enquiry and ultimately during the concluding part of his cross-examination the witness had to admit that the con-

cerned workman was under medical treatment by the authorised M.O. of BCCL for a considerable period. The evidence of this witness in the concluding part of his cross-examination alone is sufficient to come to a conclusion that in fact the allegations of the management as against the concerned workman of his habitual absence from duty was without any basis. These are all oral evidences adduced on the side of the respective parties. I have already stated that the management have produced a number of documents but all those documents are in fact photo copies admitted in the evidence and marked as exts as mentioned earlier. The management has abstained from producing the original with a view to bring home the charges against the concerned workman by simply stating through the lips of MW-2 that those are not traceable which is difficult rather impossible to believe that the original Muster Roll and Attendance Register not traceable in an office of a concern like M/s. BCCL. Non-production of the original documents like Muster Roll, Attendance Register for the purpose of proving unauthorised absence of the concerned workman from duty is a circumstance which must tell adversely upon the management so far the correctness of the allegations mentioned in the chargesheet dated 8-4-87 against Shri Gope, is concerned yet if I ignore all these drawbacks in that case also there is no explanation on the side of the management to show the circumstances which prevented them from specifying the nature of the charges against the concerned workman in the first chargesheet issued against the concerned workman in March, 1987. Similarly the management very tactfully remained silent as to the fate of the order of suspension passed against the concerned workman on and from the very date of issuing chargesheet for the first time with effect from 23-3-87 till date of issuing the second chargesheet on 8-4-87. Neither MW-1 nor MW-2 stated anything as to the facts of the order of suspension the fate of the order of suspension passed against the concerned workman during the period of interval of those two chargesheets. Here also even if I ignore this discrepancy in that case also there is nothing on record to justify lapses of years together for starting the domestic enquiry against the concerned workman in the year 1989 and thereafter on submission of report by the Enquiry Officer of that domestic enquiry after lapse of two years more although the domestic enquiry was held exparte. These are perhaps some of the reasons which resulted an order holding the domestic enquiry to be not fair and proper. The management had the opportunity to give explanation for the delay in starting the departmental enquiry in the year 1989 and thereafter also in explaining the delay in submitting report of that enquiry but for the reasons best known to the management they abstained from submitting any such explanation

and apart from that it has not been disputed on the side of the management even by way of cross-examination of WW-1 that at the relevant period there were about 24 Winding Engine Operators at Moonidih Project and in that case also if I ignore all these facts as mentioned earlier and hold that the absence of the concerned workman was not due to his mental sickness but the same was in intentional then also in view of the number of Winding Engine Operators it is difficult to presume that the management felt any difficulty because of the absence of the concerned workman without prior permission and although such absence was unwarranted and at all not encouragable. Learned Advocate on the side of the workman by relying on several decisions of the Hon'ble Supreme Court reported in 1973 I.F.L.R. Vol. 26 page 359, 1989 Lab I.C. S.C. page 1043 and 1984 LLJ Hon'ble Supreme Court page 10 submitted that in fact the action of the management in dismissing the concerned workman from his service on the basis of the enquiry report of a domestic enquiry held exparte in the facts and circumstances of the present case was not only harsh but also disproportionate and because of that an opportunity should be given to the concerned workman so that he may mend himself and an order for his reinstatement with full back wages should be passed. On the other hand the learned Advocate on the side of the management tried to submit justifying the action taken on the side of the management against the concerned workman and thereby justifying his dismissal from service on the ground that the management by producing photo copies of the documents admitted in the evidence in this reference and by examining MW-1 and MW-2 have succeeded in proving the charges of misconduct against the concerned workman. I, however, after giving my anxious consideration of the submissions of the learned Advocate on the side of the management and also to those of learned Advocate on the side of the workmen and on consideration of the facts and circumstances of the case as well as in view of the discussions made above find myself unable to be one with the learned Advocate for the management. The action of the management in the instant reference in dismissing the concerned workman is in fact not at all justified and the concerned workman is, therefore, entitled to an order for reinstatement but in the absence of any cogent evidence showing medical treatment of entire period of absence from duty with fifty per cent of the back wages with other consequential benefits. I accordingly direct the management to reinstate the concerned workman with fifty per cent back wages from the date of dismissal to the date of his reinstatement with other consequential benefits within 60 days from the date of publication of the Award in the Gazette of India.

This is my Award.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 1998

का.आ. 2418.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गैरिसन इंजीनियर नं० 1 एयर फोर्स, नई दिल्ली के प्रधानत्व के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुसूच्य में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंखाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-98 को प्राप्त हुआ था।

[ग. एल.-14012/1/88-डी.-2 (बी-1)]

के.बी.डी. उष्णी, अवसर सचिव

New Delhi, the 26th October, 1998

S.O. 2418.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Garrison Engineer No. 1, Air Force, New Delhi and their workman, which was received by the Central Government on the 26-10-98.

[No. L-14012/1/88-D. 2(B)]

K.V.B. UNNY, Under Secy.

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER : CENTRAL GOVT. INDUSTRIAL TRIBUNAL : NEW DELHI

I.D. NO. 64/89

In the matter of dispute between :

Shri Jaswant Singh, Through General Workers Trade Union, 19/19, Moti Bagh, Sarai Rohilla, Delhi-35.

VERSUS

Garrison Engineer (No. 1), Tuglakabad, Post Madangir, New Delhi.

APPEARANCES :

Shri Ajay Kumar for the workman.

Shri Guran Dutta, B.S.O. for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-14012/1/88-D-2(B), dated 17-7-89 has referred the following industrial dispute to this Tribunal for adjudication.

"Whether the demand of Shri Jaswant Singh, Plumber who was terminated by Garrison Engineer No. 1 (Air Force) Tuglakabad, New Delhi w.e.f. 14-7-84 from service, is entitled to reinstatement with full back wages and continuity of service? If so, to what relief the workman is entitled to?"

2. The claimant workman in his statement of claim alleged that he was employed as Plumber by the Management from 3-3-83 and worked upto 13-7-84 at monthly wages of Rs. 551 P.M. He was retrenched on 14-7-84. No notice, retrenchment compensation was paid to him by the management and new

person had been appointed in his place after retrenchment. Retrenchment was wrongful, illegal and justified and by way of victimisation in violation of the provisions of section 25-F of the I. D. Act. He has also been re-appointed by the Management vide letter dated 25-3-1988 and has been allowed duty w.e.f. 4-4-1988. He was entitled to receive full salary including benefits of regular service for the intervening period 14-7-1984 to 3-4-1988 with continuity of service and all other benefits.

3. The Management in its written statement alleged that the workman had filed an application under section 33-C(2) of the I.D. Act which was registered as LCA No. 55/85 by the Labour Court and was granted a sum of Rs. 868.85 p. by the said court as retrenchment compensation and one month notice pay. He has not mentioned this fact in his statement of claim filed in this case now. He could not claim reinstatement for that period as he had already been posted and his entire dispute has been settled by the Labour court earlier. He has also resumed duties from 4-4-88 and, therefore, was not entitled to any other amount as he already stands reinstated with the management.

4. The Management examined Shri J. K. Khetwat, Garrison Engineer MW1 while Jaswant Singh as WW-1.

5. I have heard representatives for the parties and have gone through the record carefully.

6. There seems to be no justification in this claim filed by the workman. The important facts of the case clearly establish that after the retrenchment on 14-7-84 he filed application under section 33-C(2) of the I.D. Act claiming retrenchment compensation and notice pay, which was allowed to him and which he accepted vide order dated 28-10-86. After having accepted the retrenchment compensation and the notice pay, the statement of claim in this reference was filed by the workman in December, 89 i.e. after two years of the decision of that application. Moreover, if the workman had been treating his retrenchment as illegal he should have immediately moved under section 10(1) of the I.D. Act for a reference but instead of going in for this industrial dispute he moved application under section 33-C(2) of the I.D. Act. He has been paid the amount claimed by him under section 33-C(2) of the I.D. Act and, thereafter he has also been re-employed by the management w.e.f. 4-4-88 and he continued to perform his duties with the management. Once the claimant has accepted retrenchment compensation and notice pay by coming to the court and has not asked for any reinstatement and kept silent for two years and got this reference made after his reinstatement in 1988. There seems to be no justification of giving him any relief. The workman was not entitled to any relief in this dispute. Parties are, however, left to bear their own costs.

15th October, 1998.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 1998

का.प्र. 2419:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार सब-डिवीजनल अधिकार, फोन्स होशंगाबाद के प्रशासनिक के संज्ञक नियोजकों और उनके

कर्मचारियों के बीच, अनुसूचन में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-98 को प्राप्त हुआ था।

[स एन -40012/2/96-आई धार (डी यू.)
के.वी.बी. उन्नी, प्रवर मजिस्ट्रेट]

New Delhi, the 26th October, 1998

S.O. 2419.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sub-Divisional Officer, Phones, Hosangabad and their workman, which was received by the Central Government on the 26-10-1998.

[No. L-40012/2/96-IR (DU)]
K. V. B. UNNY, Under Secy.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-II, AT HYDERABAD

PRESENT :

Sri G. Bhoopathi Reddy, B.A., LL.B.,
Dated : 19th Day of August, 1998

I.D. NO. 24/98

(Central)

BETWEEN

Sri V. Yadaiah,
C/o Sri Chandraiah,
O/O S.D.O. (P),
Musheerabad,
HYDERABAD-500001.

.. PETITIONER

AND

The Sub Divisional Officer,
Telephones Musheerabad,
HYDERABAD-500001.

2. The Divisional Engineer,
Telecom, Telephone Exchange,
Musheerabad,
HYDERABAD-500001.

.. RESPONDENT

APPEARANCE :

Petitioner being called absent.

Sri P. Damodhar Reddy Addl. Standing Counsel
for Central Government.

AWARD

The following Dispute is referred by the Ministry of Labour Government of India vide their Order No. L-40012/2/96-IR(DU) for adjudication.

"Whether the Management of Sub-Divisional Officer, Phones, Musheerabad is justified in terminating the services of Sri V. Yadaiah, EX-Casual Mazdoor, If not, what relief he is entitled to?"

The reference was received on 16-03-1998 and registered on 18-03-1998, notices were issued through registered post to both the parties to appear on 20-04-98 and since the both parties were called ab-

sent, fresh notices were issued to the parties. On 04-05-1998 Additional Standing Counsel for Central Government filed memo of appearance for Respondents 1 and 2 and the notice of petitioner returned unserved. Subsequently fresh notices were ordered to the petitioner on 08-06-1998, 02-07-1998 and on 20-07-1998. Finally on 20-07-1998 the notices of petitioner unserved for want of correct address. The notices were sent to petitioners on several times but notices unserved.

Respondent absent, Industrial Dispute dismissed without costs. In the result a Nil Award is passed.

Written by me and given under my hand and the seal of this Tribunal on this the 19th day of August, 1998.

G. BHOOPATHI REDDY, Chairman

APPENDIX OF EVIDENCE

No oral or documentary evidence has been adduced on either side.

नई दिल्ली, 26 अक्टूबर, 1998

का.प्र. 2420.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.डी.ओ. नागरकर्नूल, महबूबनगर डिस्ट्रिक्ट के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविदा औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को काशित करती है, जो केन्द्रीय सरकार को 26-10-98 को प्राप्त हुआ था।

[सं. न-40012/26/96-आई.प्रार. (डी.यू.)]
के.वी.बी. उन्नी, प्रवर सचिव

New Delhi, the 26th October, 1998

S.O. 2420.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.D.O., Nagarkurnool, Mahaboobnagar Distt., and their workman, which was received by the Central Government on 26-10-98.

[No. L-40012/26/96-IR (DU)]
K. V. B. UNNY, Under Secy.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-II, HYDERABAD

PRESENT :

Sri G. Bhoopathi Reddy, B.A., LL.B., Chairman.

Dated, 25th September, 1998

I.D. No. 21 of 1998

(CENTRAL)

BETWEEN :

Sri P. Ranganadham,
S/o Late Ranaiah,
C/o P. Mohan,
R. M. Telephone Exchange,
Wanaparthi.

Mahaboobnagar District-509001. ... Petitioner.

AND

1. The Sub-Divisional Officer,
Telecom, Nagarkurnool,
Mahaboobnagar District-509001. ... Respondent No. 1
2. The Telecom District Engineer,
Mahaboobnagar-509001.

APPEARANCES :

Sri L. Prabhakar Reddy, Advocate—for the Petitioner.
Sri P. Demodhar Reddy, Advocate—for the Respondents.

AWARD

This is a petition filed by the Petitioner against the Respondent to set aside the termination order dated 31-10-1989 and to reinstate him into service with continuity of service full backwages with attendant benefits. This dispute is referred by Central Government u/s. 10(1)(d) of I. D. Act, vide order L. No. 40012/26/96-IR (DU), dated 24-2-1998.

The Petitioner filed claim statement alleging that he joined as a daily wage Mazdoor on 1-2-1988 in Telecom Department under the Sub-Divisional Officer, Nagarkurnool, Mahaboobnagar District. The petitioner worked continuously on 31-10-1989 respondent terminated from service. The oral termination order is unjust, illegal. The petitioner submitted representation to the Respondent Nos. 1 and 2 to reinstate him into service. But the respondent has not reinstated him into service. The petitioner submits that the year 1989 he worked for 280 days under the jurisdiction of Sub-Divisional Officer, Telecom, Nagarkurnool during the year 1989, he was employed for a period of 275 days under the Respondent No. 1, except some period under the jurisdiction of sub-divisional officer, at Gadwal. The petitioner worked 2 years continuous service 31-10-1989 while the respondent terminated him from service one month notice was not issued nor made any payment for one month wages not paid nor any compensation. The petitioner submits that B. Thirupathaiah Goud, M. Madhava Reddy, B. Seshamraju, S. Ramulu, M. Venketramulu, G. Shivaj, V. Krishnaiah, Syed Salm, P. Laxma Reddy, T. Ranga Rao, B. Venkataiah, S. Srinivasu, Ramana, Oblesh, Srinivasulu, G. Balachander, and N. Narisimhulu who are juniors to the petitioner are continuing in service. The petitioner made representation to the respondent, the respondent No. 1 replied that due to non-availability of work the petitioner cannot be engaged. The termination order, passed by the respondent is violation of Articles 14, 16 and 21 of the Constitution of India. The Petitioner prayed that to set aside the termination order and reinstate into service with continuity of service backwages and other attendant benefits. Respondent filed a counter alleging that the allegations made in the claim statement are false. The respondent submits that the petitioner was engaged as casual Mazdoor purely on casual basis. The petitioner was engaged from 1-2-1988 to 5-8-1989 with frequent breaks of service. The petitioner was engaged in certain temporary works. The works are completed as such the question of appointment, termination by the respondent, does not arise. The petitioner never worked 280 days in 1988, 275 days in 1989. The petitioner worked 137 days in 1988, 197 in 1989. The petitioner did not worked after 6-8-1989. The petitioner was neither terminated the violation of Section 25(F) is not applicable. It is false to say that there are juniors to the petitioner they were continuing in service. The petitioner never approached the respondent for taking him into engagement after 5 years he has filed this I.D. The respondent submits that there is surplus staff in the respondent office, due to modernisation, computerisation and introduction of new Electronic Technology. The man power was reduced drastically. It is submitted that due to privatisation of Telecom works, the department is not in need of additional manpower. The petitioner voluntarily stopped to day casual labour works after 5-8-1989. The petitioner is gainfully employed the petitioner is not entitled any relief, I.D., may be dismissed.

On the basis of pleadings of the parties the following point that arises for determination.

Whether the termination of the petitioner is justified violation of Section 25(F) of I.D. Act, if so what kind of relief the petitioner is entitled ?

The petitioner submits that he was appointed as Casual Mazdoor on 1-2-1988 by the Telecom Deptt. He was continuous service till 30-10-1989. The respondent terminated the petitioner without issuing the notice nor notice pay was paid and compensation also not paid. Juniors to the petitioners are continuing. The respondent has violated section 25(F) of the I.D. Act. The petitioner submits that the juniors to the petitioner are still continuing in the respondent service. There is violation of Section 25(F) of I.D. Act. Respondent submits that the petitioner was not continuous service. The petitioner was not entitled to any relief. The burden of proof lies on the petitioner. In support of petitioner claim the petitioner himself has examined as W.W.1 and filed documents Ex. W1 to W6. To rebut the petitioners evidence M.W.1 Shankaraiah, S.D.O., Telecom., Nagarkurnool examined, Ex. M1 filed.

W.W.1 P. Ranganatham deposed that he worked as a casual Mazdoor in respondent office from 1-2-1988 to 31-10-1989 continuously. Ex. W1 is the day book maintained by him, where in the respondent has signed the day book. The respondent has terminated his services on 31-10-1989 without issuing any notice nor paid notice pay amount nor compensation. After termination he has approached the Asstt. Commissioner of Labour, Ex. W2 is the application given to the Asstt. Commissioner of Labour requesting him to take me into service. The conciliation proceedings were initiated by the Asstt. Commissioner of the Labour, Ex. W3 is the letter given by the S.D.O., T., Ex. W4 is the minutes of conciliation proceedings. The respondent did not agree to take him into service. The respondent is continuing other casual Mazdoor B. Thirupathiah Goud, M. Madhava Reddy, B. Seshan Raju, S. Ramulu, A. Narasimbulu, M. Venkat Ramulu and others. Even after termination from service the respondent has engaged other casual labourers Ex. W5 is the engagement of casual labourers by Divisional Engineer. Ex. W6 Casual Mazdoor recruitment after 22-6-1988. One Andhraiah was made permanent. The petitioner prays for reinstatement into service.

To rebut the petitioner evidence MW-1 Shankaraiah S.D.O. T., Nagarkurnool Examined. He deposed that 1-2-1988 the petitioner was joined as casual mazdoor till 5-8-1988. Ex. M1 is the statement showing the number of days worked by petitioner. The petitioner has not worked 240 days in any year. The petitioner has also not given any written application after he left from respondent service. The casual mazdoor seniority list maintained taking into consideration number of days worked. Ex. W1 is the day book maintained by the petitioner. In some places the Unit Officer has not signed Ex. M-1 is the Muster roll wherein the details of payment made to the casual labourers which is authenticated record. The petitioner is not entitled any relief.

The petitioner contended that he joined as daily Mazdoor in respondent office on 1-2-1988 and continued till 30-10-89. He was continuous service he was illegally terminated on 31-10-89 without issuing any notice nor paid one month wages nor compensation. The termination order is illegal violation of Section 25(F) of I.D. Act. Respondent resisted the plea that the petitioner is not continuous service and he has not completed 240 days in any of the calendar year and there is no violation of Section 25(F) of I.D. Act as the petitioner was engaged as a casual employee as and when work arise that the petitioner work altogether 337 days from 1-2-1988 to 1-8-1989, that is not his continuous service. The respective submission made by the petitioner and respondent are concerned to prove that the petitioner worked 240 days are concerned, Ex. W1 is the Day Book maintained by the petitioner and the respondent officials has signed the said day book. The respondent contended that the said day book cannot be taken into consideration. The submission made by the respondent is not sustainable. On perusal of the Day Book maintained by the petitioner wherein sub-divisional Telecom Officer has also verified the Day Book and signed and incharge S.I. also signed the said day book. The day book maintained by the petitioner can be taken into consideration. To prove the Ex. W1 day book is concerned the petitioner himself examined as W.W.1.

As per W.W.1 evidence goes to show that the day book was maintained by him while he was working in the Telecom Department under the control of S.D.O. Nagarkurnool. As

per the Day Book entires goes to show that the petitioner worked altogether to 196 days from 1-2-1988 to 1-1-1989. During the calendar year he has completed 240 days from February, 1988 to January, 1989. The petitioner worked 192 days. On the other hand the respondent filed document Ex. M1 discloses that the petitioner worked in the year 1988 137 days and year 1989, 197 days. On the other hand prior to referring this dispute to this Tribunal there was a conciliation proceedings taken place before regional labour Commissioner, Hyderabad dated 2-8-1995, Ex. M4. Reconciliation proceedings also discloses that there was a dispute with regard to the working days of the petitioner are concerned.

The petitioner submits that the respondent has suppressed the other material record which is in custody of respondent not produced, an adverse inference can be drawn against the respondent the petitioner has worked 240 days. The petitioner submits that the juniors to the petitioner were continuing in service. The respondent also recruited a casual mazdoor after the termination of the petitioner from service. The submission made by the petitioner is not sustainable. The petitioner submits that Ex. W5 is the letter dt. 11-4-97 engaging casual labourers. As per the said letter discloses that the Juniors to the petitioner were recruited. The submission made by the petitioner is not sustainable. There is no doubt the letter issued by the Divisional Engineer, Telecom, Mahaboobnagar. On the other hand on behalf of the management M.W.1 S.D.O. Telecom, Nagarkurnool was examined and he also clarified in his evidence that the casual mazdoor seniority list is maintained. Number of days worked from the date of joining, is not the criteria for preparing the seniority list. He also clarified that Ex. W-6 pertains to the Regional Office and that too also not signed by any Telecom Officials. The said document cannot be taken into consideration.

The petitioner has taken a specifically that the plea he was in continuous service and he has completed 240 days in a calendar year and he has continued service from 1-2-1988 to 31-10-1988. The termination order is illegal. The petitioner taken a plea that in the year 1988 he has worked for 280 days and in the year 1989 he worked 275 days were as the documentary evidence Ex. W1 day book maintained by the petitioner himself goes to show that the petitioner has not completed 240 days, in a calendar year 1988 & 1989, or from 1-2-1988 to 1-1-1989 or for the year 1989 also. The plea taken by the petitioner and the evidence led by the petitioner is quite contra moreover as per the evidence of the petitioner itself goes to show that he was engaged as casual labour from 1-2-1988 to 31-10-1989. He was terminated from service where as he raised dispute before the Asstt. Commissioner of Labour on 28-12-1994. Respondent submitted there is abnormal delay even for raising an industrial dispute. The petitioner has not explained the reason for delay raising I.D. The petitioner submits that there is no provision in the I.D. Act for delay aspect to raising an industrial dispute. The submission made by the petitioner is concerned there is no doubt there is no provision in the I.D. Act in the delay aspect concerned. In support of the petitioner claim the petitioner has relied :

Oriental Bank of Commerce Vs Union of India High Court of Allahabad, L.L.J Page 112 U/s 25H of Industrial Disputes Act, Industrial Disputes Central Rules, 1957.

Wherein it was held that the petitioner has under legal obligations to give a notice to respondent; workmen days before the vacancies arisen are to be filled up for employment. The principles laid down in this case is not at all applicable. In our present case is concerned the petitioner submits that the respondent has violated Sections 25-F and 25-G termination the petitioner. In support of his claim he has relied, State of Maharashtra Vs. Dyanashwar Rakmaji Aher & Another, 1988 1 L.L.J Bombay High Court page 716 under Sections 25F and 25G of I.D. Act. Wherein it was held the termination of the service of the temporary or skilled workmen on daily wage basis the dispute recruiting the earlier disengagement from services, no explanation for delay in raising dispute. The omission to frame primary issues whether there was a termination impugned whether squashed. The principle laid down in this case is not at all applicable. The petitioner submits that the termination of the casual labour principle just come first go to apply.

In support of petitioner he has relied :

Central Welfare Board and others Vs. Anjali Bepari (MB) and Others.

1996(10) Supreme Court of India page 133.

The principle laid down in this case is not at all applicable. In this present case concerned the petitioner has not completed 240 days the last come first go principle is not applicable. In support of the petitioner claim the petitioner further relied :

Indian Airline Vs. A Phillips u/s 10(2-A)(1)(d), 1989 (1) ALT.

High Court of A.P. Page 607 wherein it was held a casual labour employed by the Indian Airlines discharged by the employer the industrial dispute was raised after 11 years. The principle decided with regard to the awarding the back wages while reinstating the employee. The principle laid down in this case is not at all applicable in the present case concerned.

In the support of petitioner claim the petitioner further relied :

Lx. Robert D. Souza Vs. Executive Engineer Railway and Another, 1982 (1) service law reporter page 864.

The principle laid down with regard to the retrenchment of the employee violation of Section 25(F) without issuing a notice. Wherein it was held the casual labour is a workman the termination of services is the violation of Section 25(F). The principle laid down in this case cannot be applied in this present case. In support of the petitioner claim petitioner further relied Central Bank of India Vs. S. Satyam.

U/s. 25(11) and 25(F) I.D. Act, AIR, 1996 Supreme Court Page 2526.

Wherein the principles laid down with regard to the application of Sections 25N and 25F. The principle laid in this case is not applicable. In our present case is concerned the petitioner is not completed 240 days. Applying 25H and 25F is not applicable. In support of the petitioner claim the petitioner further relied daily rated casual labour employed under P & T Department through Kharatiya Dak Tar Mazdoor Manch Vs. Union of India and others. AIR 1987, Supreme Court of India page 2342.

Wherein the principle laid down classification of casual labourers for purpose of payment of different rates of wages, violation of Articles 14, 16 of Constitution and Article 7 of International Covenant. The principle laid down in this case is not applicable in our present case is concerned. In our present case is concerned the petitioner was joined as daily wage mazdoor under the respondent from 01-02-1988 and the petitioner was not continuous service and the date of termination 31-10-1989. The petitioner has not completed 240 days of any of the year.

The petitioner is not entitled any relief the I.D. is hereby dismissed.

The Award shall come into force under Section 17A of I.D. Act after one month of publication of the Award.

Dictated to the Stenographer, transcribed by her corrected by me given under my hand and seal of this Tribunal on this the 25th September, 1998.

G. BHOOPATHY REDDY, Chairman

APPENDIX OF EVIDENCE

LIST OF WITNESSES EXAMINED

For Petitioner :

WW-1—Mr. P. Ranganathan.

For Respondent :

M.W. 1 : Sri Shankeriah.

DOCUMENTS MARKED

For petitioner :

Ex. W1 : Day Book.

Ex. W2 : 28-12-94 : Xerox copy of the letter from the petitioner addressed to the Asstt. Labour Commissioner (Central) Hyd.,

Ex. W3 : 21-02-95 : Xerox copy of letter from respondent addressed to the Regional Labour Commissioner Hyd.,

Ex. W4 : 02-08-95 : Xerox copy of conciliation proceedings before the Asstt. Labour Commissioner (Central) Hyd.,

Ex. W5 : 11-04-97 : Xerox copy of engagement of casual labourers.

Ex. W6 : 22-6-88 : Xerox copy of statement of casual Mazdoor Recruitment after 22-6-88.

For Respondent :

Ex. M1 : 22-02-95 : Xerox copy of day's particulars of P. Ranganatham for the year 1998-89.

नई दिल्ली, 26 अक्टूबर, 1998

का.प्र. 2421.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.पी.ओ., टेलीकॉम, महबूबनगर, के प्रबन्धन के संबंध नियोजको और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-98 को प्राप्त हुआ था।

[स. एल-40012/28/96-आई.प्रार. (डी.यू.)]
के.बी.बी. उन्नी, अवर सचिव

New Delhi, the 26th October, 1998

S/O. 2421.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.D.O. Telecom, Mahaboobnagar and their workman, which was received by the Central Government on 26-10-1998.

[No. L-40012/28/96-IR(DU);

K. V. B. UNNY, Under Secy.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-II HYDERABAD

PRESENT:

Sri G. Bhoopathi Reddy, B.A., II.B., Chairman.

Dated : 25th September, 1998

I. D. No. 22 of 1998 (Central)

BETWEEN

Shri K. Venkataramana,
S/o K. Elliah,
H. No. 1-7-157/3A, Hanuman Nagar,
Mahaboobnagar-509001.

.. Petitioner

AND

The Sub-Divisional Officer
Telecommunications,
Mahaboobnagar-509001.

.. Respondent.

APPEARANCES :

Sri I. Prabhakar Reddy Advocate for the Petitioner.

Sri P. Damodar Reddy, Advocate for the Respondent.

AWARD

The Petitioner is a casual Mazdoor filed a petition to set aside the termination order dated 01-04-1983 and to reinstate into service with continuity of service backwages and to other attendant benefits. The I. D. referred to this Tribunal u/s. 10(1)(d) of I. D. Act, by Central Government, L. No. 40012/28/96-I.R.(D.I.), dated 23-2-1998.

The petitioner, Casual Mazdoor filed a claim statement alleging that he was joined as a casual mazdoor on 01-02-1982 under the Respondent No. 1. The petitioner was in continuous service till 01-04-1983. The respondent No 1 terminated the petitioner from service on 01-04-1983, the Termination order is illegal. The petitioner worked 320 days in a year from 01-02-1982 to 01-04-1983, in various places. The termination order is violation of mandatory provisions of Section 25(F) of I. D. Act. It is submitted that while the respondent terminating the petitioner respondent has not issued any notice nor paid one month wages or any compensation. There are juniors to the Petitioner namely A. Madavaiiah, M. Venkatesh, B.V. Subbaiah, Sh. Rahim, S.A. Rahman, Ch. Venkatesh, A. Tippanna, T.V. Swamy, M.A. Arif, Rajasekhar, D. Suresh Babu, N. Satyanaraya, L. Venkatsiah, Md Farooq, B.G. Krishna, G. Damodhar Reddy are continuing in service. The petitioner gave a representation before the Asst., Labour Commissioner. But the respondent did not take him into service. The petitioner pray to set aside the termination order and reinstate into service with continued service with backwages and other attendant benefits.

Respondent filed a counter alleging the allegations made in the claim statement are false. The claim of the petitioner is not maintainable. There is no written order when he was joined as casual mazdoor as such issuing a termination order to the petitioner does not arise. It is false to say that the petitioner worked 320 days from 01-02-1982 to 01-04-1983. The petitioner worked only 122 days that to with frequent breaks in his work from 08-02-1982 to 12-12-1982. The respondent submits that the department is granting seniority casual mazdoor depending upon mutual physical working days putting each individual and date of joining is immaterial. The petitioner gainfully employed and also engaged himself in other profitable avocations all these 15 years. It is submitted that due to introduction of modern technology and privatisation of Telecom works, the man power was reduced to a greater extent. There is surplus manpower and any additional casual labour may become burden to the department. The petitioner is not entitled to any relief and the I. D. may be dismissed.

On the basis of pleadings the following points that arise for determination :

Whether the respondent has violated Section 25(F) of I. D. Act while terminating the petitioner, if so what kind of relief the petitioner is entitled ?

The petitioner submits that the petitioner was engaged as a casual labourer by the respondent on 1-2-1982 and he was continuously worked till 1-4-83 period 320 days. The Respondent terminated the petitioner on 1-4-83 which is a violation of Section 25(F) of I. D. Act. The respondent resisted the plea that the petitioner has not worked 240 days in a year, there is no violation of Section 25(F) of I. D. Act, the petitioner is not entitled for any relief.

The respective submission made by the petitioner and respondent are concerned the burden of proof lies on the petitioner. In support of the petitioner claim the petitioner himself has examined as WW-1. He deposed that he was appointed as casual labour 1-2-1982 continued upto 1-4-83 in Gadwal and Mahaboobnagar Sub-divisions. The respondent has terminated him from service without issuing any notice. After termination he approached the S.D.O.T. to take him into service. Ex. W-1 is the copy of the representation, given to the sub-divisional Officer, Mahaboobnagar. Ex. W-2 is the Day Book which shows that petitioner was continuous service. Ex. W-3 is the list of employees shows that there are juniors to the petitioner. Ex. W-4 is the representation given to S.D.O.T., and also to the Labour Officer. Ex. W-5 is the minutes of conciliation proceedings by the A.C.L. The respondent has appointed juniors to the petitioner. The petitioner prayed that the respondent may be directed to reinstate him into service.

To rebut the petitioner evidence MW-1 N. V. Prasada Rao, SDOT, Manager was examined. He deposed that the petitioner worked as casual labour from 8-2-82 at S.D.O.T. Office. He was paid 5 to 6 rupees per day. The petitioner worked with breaks of service upto 12-12-1982. The petitioner has not given any representation to take him into service. There are regular employees in the department to do regular work. There is no additional workers for Telecom Department. Ex. W-2 is the day book maintained by the petitioner. Ex. W-2 is not signed by supervising officer or any other officer. The petitioner has not reported duty from 13-12-1982 onwards. The petitioner worked only 122 days. The petitioner is not entitled any relief.

The petitioner contended that he was employed as casual Mazdoor on 1-2-82 and he was continued service till 1-4-83. The respondent terminated from service 1-4-83 he worked 320 days. The termination order is a violation of Section 25-F of I. D. Act. The respondent resisted the plea that the petitioner has not worked for 240 days. There is no violation of Section 25-F. The respective submission made by the petitioner and respondent are concerned the burden of proof lies on petitioner. Ex. W-1 is the representation given by the petitioner to the Sub-divisional Officer, Telecom, Mahaboobnagar. On perusal of the said representation Ex. W-1 discloses that he was continuously working in the respondent office and he was terminated. In respect of available work and respondent has engaged 22 casual Mazdoor from 1988 to prove whether the petitioner is worked 240 days are concerned the petitioner has filed Ex. W-2 is the day book maintained by the petitioner. To prove the day book is concerned WW-1 is examined. As per his evidence goes to show that he was worked as a casual labour in the respondent office 1-2-82 upto 1-4-83. Ex. W-2 is the day book maintained by the petitioner. On perusal of the day book discloses that the petitioner has worked 259 days. The said day book was signed by the Telecom Department Officials. On the other hand the respondent taken a plea that the petitioner has worked only 120 days that to with break in service. To support the claim of the respondent examined MW-1, S.D.O.T., N. V. Prasada Rao, S.D.O.T., Manager he deposed that claim of the respondent. The respondent has not filed any record. On the other hand MW-1 have clarified one Ex. W-2 is the day book maintained by the petitioner wherein the line men and the Sub-inspector of the Telephone Department used to sign the said day book. The respondent contended that the petitioner voluntarily left his service as he is suffering with illness. The submission made by the respondent is not sustainable. Ex. W-1 is the copy of the representation given by the petitioner to the Asst., Labour Commissioner. In that representation he has taken a specifically that he was terminated from service by the respondent on the ground of illness, the enquiry to be made. And Ex. W-5 is the conciliation proceedings initiated before the Asst. Labour Commissioner, dated 20-9-95 discloses that the petitioner has taken a specifically that he has worked 320 days that to in continuous period wherein as respondent has taken a plea that the petitioner has worked 122 days. That the conciliation proceedings were failed. The matter was referred to this Tribunal. As per the evidence of the WW-1 Ex. W-2 that the petitioner worked more than 240 days and the respondent has terminated the petitioner from service is illegal. The respondent submits that the casual labour engaged as and when the work arisen the petitioner worked as casual labour is not entitled any claim relief. The submission made by the respondent is not sustainable. The evidence led by the MW-1 discloses that there is no necessity to recruit employees in the department from 1982 to 1985 due to electronic exchanges and computerised system, there is no need to employ the casual labour will be appointed. On the other hand the petitioner evidence as and when additional work arises the casual labour. On the other hand MW-3 himself clarified in his has taken a plea that the juniors to the petitioner are continued in respondent service and the petitioner has also re-engaged the fresh casual labours. Ex. W-3 is the list of casual labourers, and the date of appointment of casual labourers. After the petitioner was terminated the respondent management has engaged casual labourers. On the other hand when there are juniors to the petitioner are still continuing in the respondent office. The termination order is illegal. The respondent contended that the petitioner was neither appointed as a casual labour as such termination of casual labour does not arise. The Section 25-F is not

applicable. The submission made by the respondent is not sustainable. In support of the petitioner claim the petitioner has relied Central Welfare Board and Others Vs. Anjali Bepari (Ms) and Others, 1996 (10) Supreme Court, Page 133, wherein it was held that the principle of last come first go to apply recruited the casual vacancies by applying the principle laid down in our present case is concerned. The petitioner was a senior, he has completed 240 days. He worked 240 days and he was terminated and juniors to the petitioner is continuing which is violation of Section 25-F of I. D. Act. The last come first go principle to be applied. The respondent contended that there was a delay for rising Industrial Dispute. The petitioner has not explained delay rising the dispute, the petitioner is not entitled any claim. The submission made by the respondent is not sustainable. To substantiate the claim of the petitioner has relied U/s. 10(2A) 1(D) I. D. Act.

INDIAN AIRLINES Vs A. PHILIPS,

High Court of A.P., Page 607

Wherein it was held that the casual labourer employed by the Indian Airlines discharged from service and Industrial Dispute was raised after 11 years and he reinstated into service only back wages was due to disallowed. In our present case also the petitioner has given a representation to the A.C.L. On that representation the reconciliation proceedings were the management did not agree the reconciliation and the petitioner has properly explained delay approaching the Court aspect concern delays. In support of petitioner claim the petitioner further relied :

State of Maharashtra Vs. Syaneshwar Rakmani Aher and another, 1993 1 LLJ Page 716 U/s 25-F and 25-G of I. D. Act.

Wherein a specific plea was taken with regard to the delay in raising a dispute. The Omission to frame preliminary issue the Award was quashed. In our present case is concerned the respondent has not raised any plea about delay raising an industrial dispute. In respect of the petitioner claim petitioner further relied :

Oriental Bank of Commerce Vs. Union of India and Others 1997-II LLJ Page 112, Allahabad High Court.

Wherein it was held that U/s 25-H of Industrial Disputes Act, and Industrial Dispute Central Rules 1957, wherein principle laid down the employment against leave vacancy wherein the petitioner was terminated before termination notice to be issued with regard to the filling of the vacancies. The principle laid down in this case can be applied, in our present case is concerned there are juniors to the petitioners they were continuing in the respondent office, moreover after the petitioner was terminated from service the respondent has engaged casual labourers which is a violation of 25-F. The respondent has not produced any record. On the other hand the petitioner has filed I.A. No. 89 of 98 to produce the original documents from the divisional Engineer Office showing the names and date of candidate who are appointed as casual Mazdoor from 1981 in Mahaboobnagar District. But the respondent has not produced the said record, a non production of the concerned record the adverse inference can be drawn against the respondent. Moreover, the petitioner has taken a specific plea in the claim statement and also led evidence. That the Juniors to the petitioners are continuing in service and the respondent has engaged casual mazdoor after the petitioner was terminated from service. There was no rebuttal evidence produced by the respondent. The petitioner terminated from service without issuing a notice nor paid any compensation nor notice pay was paid which is illegal. The respondent has violated Section 25-F of the I. D. Act. In support of the petitioner claim petitioner has relied I. Robert Zsouza Vs The Executive Engineer Southern Railway and another 1982 1 Service Law reporter, Page 861 wherein it was held that termination of the service of casual labour in railway is violation of Section 25-F I. D. Act. The petitioner contended that while the respondent is re-engaging Casual Labourers, the Petitioner was not given any notice which is violation of Section 25-F and 25-H of I. D. Act. In support of his claim he has relied :

CENTRAL BANK OF INDIA Vs S. SASTRY

AIR 1996 Supreme Court Page, 2526,

wherein it was held while re-employment of fresher a notice to be issued to the already retrenchment employment. The principle laid down in this case can be applied in the present case is concerned. The present case is concerned the respondent has re-engaged the casual mazdoor the petitioner was not given any notice and juniors to the petitioner are continuing the service which is a violation. As per the documentary evidence the oral evidence the petitioner goes to show petitioner worked more than 240 days as a casual mazdoor while he was terminated from service and the respondent has not issued any notice nor paid one month wages nor compensation which is a violation of Section 25-F of I. D. Act. The termination order passed by the respondent is illegal. The petitioner is entitled for reinstatement. The respondent is directed to reinstate the petitioner into service. The respondent is directed to treat the service of the petitioner as continuity of service but the petitioner is not entitled for any back wages. The award is passed directing the respondent to reinstate the petitioner into the service with continuity of service without any back wages of service.

The award shall come into force under Section 17-A of I.D. Act after publication of the Award after one month of the publication of the Award.

Dictated to Stenographer, transcribed by her corrected by me given under my hand and seal of this Tribunal on this 25-9-1998.

G. BHOOPATHI REDDY, Chairman,

Industrial Tribunal-II

APPENDIX OF EVIDENCE

List of Witnesses Examined

For Petitioner :

WW-1—Sri K. Venkataramana.

For Respondent :

MW-1—Sri N. V. Prasada Rao.

DOCUMENTS MARKED

For Petitioner :

Ex. W-1/29-12-97—Xerox copy of representation letter from petitioner addressed to Respondent.

Ex. W-2 —Day Book.

Ex. W-3/22-8-86—Xerox copy of list of employees statement.

Ex. W-4/30-3-96—Xerox copy of Letter from petitioner addressed to respondent.

Ex. W-5/20-9-95—Xerox copy of Minutes of conciliation proceedings.

For Respondent :

NIL.

नई दिल्ली, 26 अक्तूबर, 1998

का.प्र. 2423.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार टेल्कोम डिपार्टमेंट, गुल्शन के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अन्वय में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-98 को प्राप्त हुआ था।

[सं. एन-40012/77/97-आई प्रार (डी.यू.)]

को.को.बी. उज्ज्वी, अवसर सचिव

New Delhi, the 26th October, 1998

S.O. 2422.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom Department, Guntur and their workman, which was received by the Central Government on 26-10-98.

[No. L-40012/77/97-IR(DU)]

K. V. B. UNNY, Under Secy.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-II,
AT HYDERABAD

PRESENT :

Sri G. Bhoopathi Reddy, B.A., LL.B., Chairman

Dated, 3rd September, 1998

I.D. No. 43/98

CENTRAL

BETWEEN

Sri Vemula Edukondalu,
S/o V. Thirupathamma,
Narayanapuram,
Dechipalli (M),
Guntur District-522001.

—Petitioner

AND

The Telecommunications General Manager,
Guntur-522007.

—Respondent

APPEARANCES

Petitioner called absent.

Sri P. Damodhar Reddy, A.G.P., for Respondent.

AWARD

The dispute is referred by the Ministry of Labour, Government of India vide their Order No. L-40012/77/97/IR(DU) to adjudicate the dispute "Whether the action of the Management in dismissing the services of Shri Vemula Edukondalu, Ex-parte time sweeper-cum-water boy, Telecom Department, Guntur is justified - If not to what relief he is entitled to ?"

The reference was received on 15-6-1998 and registered on 17-6-1998. Notices were issued through registered post to both the parties to appear on 13-7-1998. On 13-7-1998 both parties

were present. Sri P. Damodhar Reddy, Addl., Standing Counsel filed memo of appearance for respondent and petitioner prayed time to engage the Advocate and the case was posted to 23-7-98 for filing claim statement. Thereafter the case underwent 3 adjournments from time to time till 3-9-98.

Finally today i.e., on 3-9-98 petitioner and his counsel absent, the I.D. was called 5 times. No representation, respondent counsel present. The Industrial Dispute dismissed without costs.

In the result reference is closed and a Nil Award is passed.

Dictated to the typist, corrected by me and given under my hand and seal of this Tribunal on this the 3rd September, 1998.

G. BHOOPATHI REDDY, Chairman

Industrial Tribunal-II, Hyderabad

APPENDIX OF EVIDENCE

No oral or documentary evidence has been adduced on other side.

नई दिल्ली, 26 अक्टूबर, 1998

का.प्र. 2423.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचना में, केन्द्रीय सरकार एम डी एम टी हिन्दपुर ए व एम डी एम टी, धर्मवारम् के प्रबन्धन के संघर्ष नियोजकों और उनके कर्मचारियों के बीच, अनुसूची में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधीकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-98 को प्राप्त हुआ था।

[ग. एम.-40012/108/96-आई.आर. (डी यू)]
के.वी.बी. उन्नी, अवर सचिव

New Delhi, the 26th October, 1998

S.O. 2423.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.D.O.T., Hindupur and S.D.O.T., Dharmavaram and their workman, which was received by the Central Government on 26-10-98.

[No. L-40012/108/96-IR(DU)]

K. V. B. UNNY, Under Secy.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-II, AT
HYDERABAD

PRESENT :

Sri G. Bhoopathi Reddy, B.A., LL.B., Chairman.

Dated, the 28th August, 1998

I.D. No. 25/98

(CENTRAL)

BETWEEN

Shri M. Venkata Ramana Reddy,

S/o Sidda Reddy,

Balakaveripalli, Amadagur (PO)

Kadiri (TO).

Ananthapur District-515001.

..Petitioner.

AND

1. The Sub-Divisional Officer,
Telecommunications,
Hindupur-515201.
2. The Sub-Divisional Officer,
Telecommunications,
Near Rly. Station,
Dharmavaram,
Ananthapur District-515001.

. Respondents.

APPEARANCES :

- Sri C Ravindranath, Advocate for petitioner.
Sri P. Ramochar Reddy, Asstt., Government Pleader for Respondent.

AWARD

The dispute is referred by the Ministry of Labour, Government of India vide their Order No. L-40012/108/96-IR(DU) to adjudicate the dispute "Whether the Management of S.D.O.T., Hindupur and S.D.O.T., Dharmavaram is legal and justified in terminating the services of Shri M. Venkata Ramana Reddy w.e.f. 1-12-90? If not, what relief he is entitled to?"

The reference was received on 30-03-98 and registered on 2-4-98. Notices were issued through Registered post to both the parties to appear on 30-4-98. On 30-4-98 petitioner and both the respondents called absent. Sri P. Damodar Reddy, Addl. Standing Counsel filed Memo of appearance in the section for respondents. Subsequently Sri C. Ravindranath, Advocate filed Vakalat for petitioner on 13-7-98 and the case was posted to 23-7-98 for filing claim statement. Thereafter the case underwent 3 adjournments from time to time till 28-8-98 for filing claim statement.

Finally today i.e. on 28-8-98 petitioner and his counsel absent no representation. Respondent present. The I.D. was called 5 occasions. Industrial Dispute dismissed without costs. In the result reference is closed and Nil Award is passed.

Debated to the tuneist connected by me and given under my hand and seal of this Tribunal on this the 28th day of August, 1998.

G. BHOPATHI REDDY, Chairman,
Industrial Tribunal-II

APPENDIX OF EVIDENCE

No oral or documentary evidence has been adduced on either side.

नई दिल्ली, 26 अक्टूबर, 1998

का घा 2424—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वये में, केन्द्रीय सरकार नियुक्त प्रोविडेंट फण्ड, मम्बई के प्रबन्धन के संलग्न नियोजकों और उनके कर्मचारों के बीच, अमरन्त में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1, मम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-98 को प्राप्त हुआ था।

[सं. एल. -42012/134/95-आई. आर. (डी. यु.)
के.टी.डी. उष्णी, अवर सचिव

New Delhi, the 26th October, 1998

S.O. 2424.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 1, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Regional Provident

Fund, Mumbai and their workman, which was received by the Central Government on 26-10-98.

[No. L-42012/134/95-IR(DU)]
K. V. B. UNNY, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, MUMBAI
PRESENT :

Shri Justice C. V. Govardhan, Presiding Officer
Reference No. CGIT-19 of 1996

PARTIES :

Employers in relation to the management of
Regional Provident Fund

AND

Their workmen

APPEARANCES :

For the Management—Shri R. K. Shetty,
Advocate

For the Workmen—No appearance
Mumbai, dated the 29th day of September, 1998

AWARD

Heard Shri R. K. Shetty for management. He has brought the order passed by my Learned Predecessor on 28-8-1997 in which my Predecessor has directed the workman and his witness be present on 15-1-1998 for cross-examination. In the said order my predecessor has directed a copy of the same be sent to the workman under certificate of posting and a second additional copy be given with notice of date of hearing to learned counsel for management to be served personally on workman. My predecessor has directed the office to put up the file on 15-1-1998. The workman was not present on 9-6-1996, 13-7-1998 and 25-8-1998. On 25-8-1998 I have directed notice to workman for 29-9-1998. Notice sent by the office for the hearing on 29-9-1998 i.e. today has been returned unserved with postal endorsement.

Mr. R. K. Shetty for management has filed copy of the receipt for the notice served by him on the wife of workman as nearly as 26-11-1997. Since the workman has not turned but for today's hearing for being cross-examined and there is no one representing the workman for more than 2 hearings I am of the view that the workman is not increased in prosecuting the dispute any further. In that view the Reference is disposed off as not prosecuted.

C. V. GOVARDHAN, Presiding Officer

नई दिल्ली, 5 नवम्बर, 1998

का. आ. 2425.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बेस विक्टुअलिंग आफिसर, बेस विक्टुअलिंग यार्ड, कोचीन के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अतुल्य में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार लेबर कोर्ट, अरनाकुलम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-11-98 को प्राप्त हुआ था।

[सं. एल.—14012/5/92—आई. आर. (डी. यू.),

सं. एल.—14012/6/92—आई. आर. (डी. यू.),

सं. एल.—14012/7/92—आई. आर. (डी. यू.)]

के. वी. बी. उन्नी, अवर सचिव

New Delhi, the 5th November, 1998

S.O. 2425.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Labour Court, Ernakulam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Base Victualling Officer, Base Victualling Yard, Naval Base Cochin, and their workman, which was received by the Central Government on 5-11-1998.

[No. L-14012/5/92-IR (DU).

No. L-14012/6/92-IR (DU).

No. L-14012/7/92-IR (DU)]

K. V. B. UNNY, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT,
ERNAKULAM

(Labour Court, Ernakulam)

(Monday, the 16th day of March, 1998)

PRESENT :

Shri Varghese T. Abraham, B.A., LL.M., Presiding
Officer.

Industrial Dispute Nos. 9 of 1993 (C)

10 of 1993 (C) and 11 of 1993 (C)

In I. D. 9/93 (C)

BETWEEN

The Commander, Base Victualling Officer, Base Victualling
Yard, Naval Base, Cochin-682004.

AND

Shri V. N. Babu, Vashakkathu House, Perumpadappu
Palluruthy, Cochin-682006.

In I. D. 10/93 (C)

BETWEEN

The Commander, Base Victualling Officer, Base Victualling
Yard, Naval Base, Cochin-682004

AND

Shri K. N. Bhuvanendran, Kurupamveedu, Bojanama-
dom, Vadaikkumuri, Kumbalangi, Cochin 7.

In I. D. 11/93 (C)

BETWEEN

The Commander, Base Victualling Officer, Base Victualling
Yard, Naval Base, Cochin-682004.

AND

Shri K. K. Venu, Kattanganesathu House, Palluruthy,
Cochin-682006.

REPRESENTATIONS :

Shri V. V. Sidharthan,
Standing Government Counsel for
Union of India,
D. H. Road, Kochi-16 ..For ManagementM/s. T. A. Rajan and Alexander Joseph,
Advocates, Amulio Street,
Cochin-18 ..For Workmen.

COMMON AWARD

These three cases are tried together and hence disposed of
by this common award.

In I. D. 9/93 (C)

The Government of India as per order No. L-14012/5/92-
IR (DU) dated 24-9-93 referred the following industrial
dispute for adjudication :

"Whether the action of the management of Base Victualling Officer, Base Victualling Yard, Naval Base, Cochin-682004 in terminating the services of Shri V. N. Babu w.e.f. 20-8-1988 is legal and justified ? If not, to what relief the workman is entitled ?"

In I. D. 10/93 (C)

The Government of India as per Order No. L-14012/6/92-
IR (DU) dated 24-9-93 referred the following industrial
dispute for adjudication :

"Whether the action of the management of Base Victualling Officer, Base Victualling Yard, Naval Base, Cochin-682004 in terminating the services of Shri K. N. Bhuvanendran w.e.f. 20-8-1988 is legal and justified ? If no, to what relief the workman is entitled ?"

In I. D. 11/93 (C)

The Government of India as per Order No. L-14012/7/92-
IR (DU) dated 24-9-93 referred the following industrial
dispute for adjudication :

"Whether the action of the management of Base Victualling Officer, Base Victualling Yard, Naval Base, Cochin-682004 in terminating the services of Shri K. K. Venu w.e.f. 20-8-1988 is legal and justified ? If not, to what relief the workman is entitled ?"

2. In all these three cases the facts are almost similar. In I. D. 10/93 (C) being leading case, the facts are narrated, as follows :

He joined the management on 7-2-83. There are 15 units under the management. He has continuously worked till 20-6-88 and thereafter his service was terminated. He had worked more than 240 days in every year. There was no notice, notice pay or compensation or any disciplinary action and hence the termination of service is illegal and violative of Section 25-F of the Industrial Disputes Act. He made several representations to which he was given reply dated 26-7-89 stating that the workman crossed the age of recruitment at the time of initial appointment and hence his request for regular employment cannot be entertained. The matter was taken before the Labour Commissioner (Central). Previous comments are given by the management for terminating the service of the workman. According to the management there was indiscipline on the part of the workman. He filed re-

joinder by way of supplementary comments. He worked over 236 days in 1984, 250 days in 1985, 254 days in 1986, 276 days in 1987 and 110 days in 1988. As the conciliation was a failure, the dispute is referred for adjudication. According to the workman he had been in continuous service from 7-2-83 to 20-5-88. The management admits these facts in the supplementary comments. The termination of service is violative of Section 25F of the I. D. Act. Juniors of the workman mentioned there in the claim statements are retained. Hence the termination of service is violative of Section 25F of the I. D. Act. No enquiry was held. No memo was given with regard to the over-age or indisciplined behaviour. So there is violation of principles of natural justice. If there was no work in the Base Victualling Yard, he could have been provided work elsewhere. The Central Administrative Tribunal (CAT), Ernakulam as per order No. O.A. 85/89 directed the management to accommodate the applicants therein. So it is prayed for reinstatement with back wages and continuity of service.

3. The defence : The reference is not maintainable. The workman was employed only as a casual workman on nerrick rates of pay during 1984 to 1988, as and when there was extra work available and when additional workers were required. The number of days on which he worked are stated in para 1 is written statement as follows :

"1984	—236 days
1985	—250 days
1986	—254 days
1987	—276 days
1988	—110 days"

He was engaged only on daily rate basis. There is no retrenchment in the light of Section 2(oo)(bb) of the Industrial Disputes Act. The termination of service of the workman was as a result of non renewal of contract of employment and on the expiry of such contract, he was engaged only for specific purpose. When the work is completed and wages are paid, he ceases to be in employment. There is no termination of service as understood in law. The grounds stated in the claim statement are not maintainable. The appointment of Sri Karthikeyan, F. D. Santhosh, A. V. Santhosh Sudhakaran and Baburaj was due to the judgment of CAT in O.A. 86/89. There is no continuous service of 240 days. It is prayed for dismissal of the claim.

4. A replication is filed by the workmen reiterating the averments in the claim statement and controverting defence continuous.

I. D. 9/93 (C)

5. In this case the workman whose service was terminated is Sri V. N. Babu. He joined the management on 31-8-84. He had continuously worked till 20-6-88 and from that day onwards his service was terminated without assigning any reason. He worked for more than 240 days in every year. There is no notice, notice pay or compensation. The other facts are like the facts in I. D. 10/93 (C).

6. In the written statement the management adopted very same contentions. According to the management the workman Sri V. N. Babu worked on the following number of days as mentioned para one of the written statement viz :

"1984	-- 84 days
1985	—276 days
1986	—252 days
1987	—287 days
1988	—120 days"

7. The other contentions are as these raised in the previous Industrial Dispute. It is stated in this case, the management contended that the workman was not given an engagement beyond 20-6-88 due to his unsatisfactory performance of

work. It is prayed for dismissal of the claim. The workman filed rejoinder reiterating the averments in the claim statement and controverting defence contentions.

I. D. 11/93 (C)

8. The workman is Sri K. K. Venu. Here also facts are the same. He joined the service of the management in March 1982. He had been working continuously till 20-6-88. Thereafter his service was terminated. No notice, notice pay or compensation was paid to him. There was no disciplinary action and therefore, the termination of service is illegal and violative of Section 25-F of the I. D. Act. The other contentions are avoided since they are allegations contained in I. D. 10/93 (C).

9. The management filed written statement stating that the number of days which the workman worked on nerrick rates of pay is as follows :—

"1984	—291 days
1985	—276 days
1986	—253 days
1987	—289 days
1988	—121 days"

10. The defence contentions in the other case are also taken up. According to the management this is a case where Section 2(oo)(bb) is attracted. It is prayed for dismissal of the claim.

11. Here also the workman filed rejoinder adopting the averments in the claim statement and denying the written statement. Evidence is recorded in I. D. 10/93 (C).

12. Evidence consists of the testimony of WW-1, MW-1 and Exts. W-1 to W 11 and M-1 to M-4.

13. Heard both sides.

14. The points which emerge for consideration are :

- (1) Whether the workman in all any one of these cases is illegally terminated ?
- (2) Whether the workmen are entitled to get reinstatement ?
- (3) To what benefits, if any, are the workman entitled to get ?

15. Points 1 to 3—It is a common case and admitted by the management that all these workmen were appointed in the management on the days shown them. Hence the appointment letter or order is not necessary. The fact that they were appointed is admitted by MW-1. The documentary evidence on the side of management has also proved that all these three workmen were employed under the management. So there is no necessity to go further into the questions.

16. It is also an admitted fact that no notice, notice pay or compensation as stated under Section 25F of the I. D. Act was given to the workman. No disciplinary action was taken against them. Even then the management has contended that some of the workers have behaved or committed misconduct and that others were overaged at the time of appointment. No memo was issued or a domestic enquiry was conducted. The contrary stand taken by the management is wholly unsustainable in law.

17. Yet another contention of the management is that the workers were appointed on casual basis and they were given work only when the work was available and the services of these workmen were daily rated and casual employees. The

these workmen were daily rated and casual employees. The daily rated worker, casual worker or permanent worker is workman in the eye of law. For the termination of the service for any reason what so ever it is compulsory for the management to comply with mandatory provisions contained in Section 25F of the I.D. Act unless the case of termination gives within the exempted category made mention in Section 2(oo) of the I.D. Act. There is no case for the management that these workman were employed only for a particular purpose and that when the purpose is over their services were denied. This is a new story which they have developed in the written statement and not before the labour authorities at the time of conciliation. Section 2(oo)(oo) postulates different situations where a workman is engaged in a contract to do a particular work and that work is over and contractual period is expired. The management as in the written statement stated the total length of service which I have narrated above. The workman in I.D. 10/93 (C) has worked for 276 days of work in 1987 and he has got 100 days before he was terminated on 20-6-88. In 1986 he had 204 days and in 1987 he had 200 days of continuous work. In I.D. 11/93 (C) the workman had 269 days of work in 1987, 255 days of work in 1986, 276 days of work in 1985 and 291 days in 1984 and 121 days in 1983, when he was disengaged. Thus the written statement itself speaks that these workers had put in more than 240 days without any interruption. If there was any interruption it is the duty of management to prove that it was due to the fault of the workman. No such proof is forthcoming. In Exts. W-1 to 4 para wise comments made by the management to the letter given by the workers. What is stated in Ext. W-1 he had crossed the age for recruitment at the initial time of appointment. In W-2 it is stated that the conduct of the workman Venu was not found satisfactory. Notice was not sent and domestic enquiry was not held with regard to the unsatisfactory work. W-3 is a letter addressed to Babu, where it was stated that he has crossed age limit at the time of initial appointment. Here also no memo was given and no explanation was received from the workman. In Ext. W-4, the workman Sri Venu was informed that his service is terminated for his indisciplined behaviour. No man shall be condemned as unheard. This is a basic principle of natural justice. Ext. W-5 is a para wise letter addressed to Babu showing that :

"Regarding the petitioners' claim that age limit has been relaxed when he was first engaged, it is stated that age is not taken into consideration when casual workers are engaged for a spot employment and only their physical fitness is taken into account for performance of work."

Similar letter is given to the workman Bhuvanendran the above extracted portion of Ext. W-5 runs counter to what the management states about the over age. Ext. W-6, W-7, W-8, W-9 are communications given to the labour departments in which it is shown the number of days of work which these workers worked under the management and it is stated above. Ext. W10 is the order of the CAF, Ernakulam in O.A. 86/89 on 31-8-90. At para 13 page 7 in Ext. W10 it is stated as follows :

"In the result, for the reasons mentioned above, we allow these applications in part with the following observations and directions : (a) The applicants are entitled to the protection of Provisions contained in chapter V-A of the I.D. Act, 1947. The termination of their engagements with effect from 13-1-89

amounts to a retrenchment within the meaning of the I.D. Act. As such retrenchment has not been made in accordance with provisions of Section 25F of the I.D. Act, the applicants are deemed to be still engaged as casual labourers and entitled to the benefits that accrue to them under this direction. For this purpose they may be deemed to have been engaged after 31-3-89 for the same number of days as they were engaged in a like period immediately prior to 31-1-98."

Ext. W11 is a similar order in the case of another applicant. The following observation made in Ext. W11 deserves to be quoted in this award. Page 5 of Ext. W-11 :

"Admittedly the applicants have been allowed under the respondents without raising any objection regarding age limit for about four years. Now it may not be fair on the part of the respondents to deny the regularisation on the ground of age bar particularly when the age of the applicants 1, 3 and 4 is calculated at the light of the above O.M. they are eligible for relaxation. Under these circumstances, the respondents are not justified in denying, regularisation to all the applicants on the flimsy ground of age bar."

18. Ext. M1 is the order of the management issued from headquarters, New Delhi with regard to the appointment of casual employees. Ext. M2 is the form of warning that appointment of casual workers should be made in future not otherwise than through employment exchange. Ext. M3 is the application form which shows the age limit as 50 years and desirable to have 8th standard passed. In this case Ext. M3 cannot be relied on, since the management has filled all the service of the workman without any demerit even though they were over aged at the time of inception of their employment. Ext. M4 is copy of the order of the Ministry of Home Affairs with regard to the requisition of casual employees. For the reasons stated earlier these documents will not in any way help the management. W11 is the workman in I.D. 10/93 (C). He spoke for himself and for other workers. He has sworn in support of the averments in the claim statement. He has proved that the termination of workers in all these 3 cases is illegal and improper. W11 is the Victualling Yard Naval Store Officer. He joined the management only after termination of service of these workers. He also swears "19-6-88 other than English language language"

This will show that they are punished in violation of principles of natural justice. They are not given an opportunity to explain their case. There are no material independently recorded by the management to prove that the service of the workmen were unsatisfactory and that there was blame worthy conduct on the part of these workmen. To sum up the termination of service of all these workers is not legal and valid. When the termination is found in violation of Section 5F of the I.D. Act. The usual order to be passed is order of reinstatement. To deviate from this legal principle, I see no ground at all. The management will reinstate the workmen with continuity of service and 25 per cent of back wages and it is fixed at Rs. 25,000 each. The workmen shall be placed above their juniors who were in service at the time of termination.

In the result, an award is passed in all these cases as follows : Termination of service of all these workmen in all

these three industrial disputes is illegal and unjustifiable. The management is directed to reinstate the workmen along with continuity of service and Rs. 25,000 (Rupees Twenty Five Thousand only) each in lump as back wages. The management is further directed to place all these workers as seniors to those who were juniors to the workers at the time of the termination of service.

Ernakulam,

16-3-1998.

VARGHESE T. ABRAHAM, Presiding Officer

APPENDIX

Witness examined on the side of Management :

MW1. Sri M. M. Varghese.

Witness examined on the side of Workman :

Sri K. N. Bhuvanendran.

Exhibits marked on the side of Management :

Ext. M1.—Photo copy of the Naval Headquarters letter No. CP(SE) 5109 dated 22-7-1986 enclosing copy of Department of Personnel and Training O.M. No. 49014/86 Estt. (C) dated 7-6-1988.

Ext. M2.—True copy of Ministry of Personnel and Training's O.M. No. 49014/18/84/Estt. (C) dated 7-5-1985.

Ext. M3.—Photo copy of Recruitment/Promotion Rules or Unskilled Labourers.

Ext. M4.—Photo copy of Ministry of Home Affairs Department of Personnel and ARS O.M. No. 4901/4/7/83 Estt. (C) dated 13-10-1983.

Exhibits marked on the side of Workmen :

Ext. W1.—A letter dated 26-7-1989 No. CS 4504/44/A addressed to Sri K. N. Bhuvanendran by the Management.

Ext. W2.—A letter No. CS 4504/44 dated 26-7-89 addressed to K. K. Venu by the Management.

Ext. W3.—Letter No. CS 4504/44/A dated 26-7-89 addressed to V. N. Babu by the Management.

Ext. W4.—Parawise comments of the Management—Industrial Dispute between the Management Sri K. K. Venu.

Ext. W5.—Parawise comments of the management in I.D. between B. V. Yard and Sri V. N. Babu.

Ext. W6.—Parawise comments of the Management in I.D. between B. V. Yard and Sri K. N. Bhuvanendran.

Ext. W7.—Copy of the letter dated 31-1-92 by the Base Victualling Officer to the Asstt. Labour Commissioner (C), Quoting 112/IA/KNB.

Ext. W8.—Copy of letter dated 31-1-92 by the Base Victualling Officer to the Asstt. Labour Commissioner (C), Quoting 112/A/KKV.

Ext. W9.—Copy of letter dated 31-1-92, quoting 112/A1/VNB by the Base Victualling Officer, to the Asstt. Labour Commissioner (C).

Ext. W10.—Judgement in O.A. No. 86/89 dt. 31-8-1990 of the Central Administrative Tribunal, Ernakulam.

Ext. W11.—Judgment in O.A. No. 85/89 dated 28-6-91 of the Central Administrative Tribunal, Ernakulam Bench.

नई दिल्ली, 5 नवम्बर, 1998

वा. आ. 2426.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्मेन्स फैक्ट्री, कानपुर के प्रमुखता के संबंध निबंधकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-11-98 को प्राप्त हुआ था।

[सं. एव.-14012/31/92-आई.आर. (डी.यू.)]
के. वी. वी. उन्नी, अवर सचिव

New Delhi, the 5th November, 1998

S.O. 2426.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Ordnance Factory, Kanpur and their workman, which was received by the Central Government on 5-11-98.

[No. L-14012/31/92-IR(DU)]

K. V. B. UNNY, Under Secy.

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 107 of 1996

In the matter of dispute between :

The General Manager,
Ordnance Factory, Kalpi Road,
Kanpur.

AND

Arun Kumar son of Kalika Prasad, G-2-T-7, Armapur
State, Kanpur Nagar.

APPEARANCES :

V. K. Gupta for the Ordnance Factory and Neeta Mathur
for the Workmen.

AWARD

1. Central Government, Ministry of Labour, vide notification No. L-14012/31/92-IRDU dated 30-10-96, has referred the following dispute for adjudication to this Tribunal—

Whether the activities of the Ordnance Factory, Kanpur, constitute to be that of an Industry under the provisions of Industrial Dispute Act and if so whether the action of the management of Ordnance Factory,

Kanpur in terminating the services of S/Sri Arun Kumar Dharam Raj Sharma, Abdul Vaheed, Vijai Bahadur, Vishram Yadav, Phool Chand Ram, Akbar Ali, Vinod Kumar and Ram Dev Tiwari is legal and justified? If not, to what relief the workmen are entitled to?

2. In this reference there are 9 workmen viz. Arun Kumar, Dharam Raj Sharma, Abdul Vaheed, Vijai Bahadur, Vishram Yadav, Phool Chand Ram, Akbar Ali, Vinod Kumar and Ram Dev Tiwari. The case of the concerned workmen is that the opposite party Ordnance Factory, Kanpur is an industry, where Military Uniforms are prepared as such it falls within the definition of Industry. All the concerned workmen who were recruited as labourer after obtaining their names from Employment Exchange. Interview and Test had also taken place. Yet they were illegally removed from service in the year 1982, the details of which have been given in para 7 of the claim statement. Thus the termination is bad being in breach of Section 25H of I.D. Act.

3. The opposite party has filed written statement in which it has been alleged that the factory is not an Industry as it discharges sovereign function. Further the appointment of the concerned workmen were for fixed period that for 89 days which came to an end automatically. Such a person has got no right whatsoever.

4. In the rejoinder nothing new has been alleged.

5. In support of their case the concerned workmen has filed exts. W-1 to W-13 whereas the management has filed Exts. M-1 to M-6. In support of their case Arun Kumar W.W.1, Dharam Raj Sharma, W.W.2, Akbar Ali, W.W.3, Vinod Kumar Tiwari, W.W.4, Phool Chand Ram, W.W.5, Abdul Vaheed, W.W.6 and Vikas Yadav, W.W.7 have been examined, whereas management has examined Suresh Chand Vishnoi, Chageman. Although all the witnesses in their evidence have stated that they were examined for indefinite period but Vishram Yadav, W.W.7 in his cross-examination has conceded that appointment was for 89 days. In view of this evidence I am inclined to believe the evidence of management witness that the concerned workmen were examined for 89 days. In my opinion a person who is engaged for short fixed period is not entitled for any retrenchment compensation of benefit of Section 25F or 25H of I.D. Act. As such removal from service does not amount to retrenchment.

6. Further this claim is highly belated. Dismissal took place in 1982 the record reveals that ultimately the concerned workmen had filed writ petition No. 22035 of 1994 and on the basis of judgment and order dated 28-8-96, the Central Government has made the reference. It appears that Central Government had declined the reference because of claim was belated and some other issues. High Court had directed for making reference as the appropriate government has no right to refuse reference on this score. It is for the tribunal to consider it. Before the tribunal no explanation has been given for this belated reference. In other words the delay from 1982 to 1995 when writ petition was filed has not been explained. Thus the concerned workmen would not have been entitled for any relief because of stale claim.

7. I do not find any force in the contention of the management that it is not an industry. There is no dispute that in the opp. party factory military uniforms are prepared. Preparation of uniforms cannot be equated with the performance of sovereign functions. Having regard to the principle laid down in the celebrated case of Bangalore Water Supply, I come to the conclusion that the opposite party is an industry.

8. In the end my award is that termination of the concerned workmen is not bad and they are not entitled for any relief. Dated, 15-10-1998.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 9 नवम्बर, 1998

का.मा. 2427.—केन्द्रीय सरकार का समाधान हो गया है कि लोकहित में ऐसा अपेक्षित है कि शीशा खनन उद्योग में सेवाओं को, जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 14 के अन्तर्गत निदिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिये लोक उपयोगी सेवाएं घोषित किया जाना चाहिये ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ब) के उपखण्ड (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिये तत्काल प्रभाव से छः मास की कालावधि के लिये लोक उपयोगी सेवा घोषित करती है।

[सं. एस-11017/15/97-आई आर(पीएल) (i)]

एच.सी. गुप्ता, अवसर सचिव

New Delhi, the 9th November, 1998

S.O. 2427.—Whereas the Central Government is satisfied that the public interest requires that the Lead Mining Industry which is covered by item 14 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/15/97-IR(PL)(i)]

H. C. GUPTA, Under Secy.

नई दिल्ली, 9 नवम्बर, 1998

का.मा. 2428.—केन्द्रीय सरकार का समाधान हो गया है कि लोकहित में ऐसा अपेक्षित है कि जस्ता खनन उद्योग में सेवाओं को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि

15 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिये लोक उपयोगी सेवाएँ घोषित किया जाना चाहिये।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिये तत्काल प्रभाव से छः मास की कालावधि के लिये लोक उपयोगी सेवा घोषित करती है।

[सं. एम.-11017/15/97-औ.स. (नी.वि.) (ii)]

एच.सी. गुप्ता, अवर सचिव

New Delhi, the 9th November, 1998

S.O 2428.—Whereas the Central Government is satisfied that the public interest requires that the Zinc Mining Industry which is covered by item 5 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/15/97-IR(PL)(ii)]

H. C. GUPTA, Under Secy.

